

Town of Arlington

730 Massachusetts Ave, Arlington, MA 02476 | 781-316-3000 | arlingtonma.gov

ARTICLE 1

REPORTS OF COMMITTEES

To receive, hear, and act upon the reports of the Select Board, Finance Committee, Redevelopment Board, School Committee and other committees, commissions, and boards heretofore appointed, or dissolve any inactive committees; and take any action related thereto.

(Inserted at the request of the Town Moderator)

ARTICLE 2

CONSENT AGENDA

To see if the Town will vote to take affirmative action on the Warrant Articles listed on the Consent Agenda as printed in the Moderator's Report, without debate on any of the Articles, provided that, upon the request of any one Town Meeting Member present made before a vote is taken on this Article, an Article requested to be omitted shall be removed from the Consent Agenda and shall be acted upon in the ordinary course of business at this Town Meeting; or take any action related thereto.

(Inserted at the request of the Town Moderator)

ARTICLE 3

BYLAW AMENDMENT/REGULATION OF OUTDOOR LIGHTING - UPLIGHTING

To see if the Town will vote to amend Title V Article 14 Section 3D of the Town Bylaws to include structures used for religious purposes, and structures used for commercial purposes, among the exemptions to the prohibition of uplighting; or take any action related thereto.

(Inserted by the Select Board at the request of Paul Schlichtman
and ten registered voters)

ARTICLE 4

BYLAW AMENDMENT/MINUTEMAN BIKEWAY HOURS

To see if the Town will vote to amend Title III, Article 1, Section 10 of the Town Bylaws (Minuteman Bikeway Hours) to extend the operating hours of the Minuteman Bikeway; or take any action related thereto.

(Inserted by the Select Board at the request of Adam MacNeill and
ten registered voters)

ARTICLE 5

HOME RULE LEGISLATION/BYLAW AMENDMENT/FOSSIL FUEL INFRASTRUCTURE

To see if the Town will vote to authorize and request the Select Board to file Home Rule Legislation to allow the Town of Arlington to regulate fossil fuel infrastructure in new construction and/or major renovation and rehabilitation projects in Arlington for the purposes of reducing greenhouse gas emissions and encouraging renewable energy

production and use, notwithstanding the State Building Code, the Gas Code, M.G.L. c. 164 or any other law of the Commonwealth regulating natural gas as a residential utility; and further to vote to establish a new section of Title VI of the Town Bylaws prohibiting or otherwise regulating the installation of fossil fuel infrastructure in new construction projects and/or major renovation and rehabilitation projects in Arlington, and to set forth the terms and scope of such prohibition, including exemptions or waivers to same; or take any action related thereto.

(Inserted by the Select Board and at the request of the Clean
Energy Future Committee)

ARTICLE 6

VOTE/ESTABLISHMENT OF POLICE CIVILIAN ADVISORY BOARD STUDY COMMITTEE

To see if the Town will vote to form_a Committee to study the creation of an Arlington police civilian review board independent from the police department with the authority and resources to receive and investigate complaints, review police services and make recommendations for their improvement. The study committee shall be comprised of seven (7) voting members and three (3) non-voting members. The study committee will make its decisions based on the vote of a simple majority of the committee's voting members who shall be appointed to the committee by: the Envision Arlington Standing Committee (1); the Arlington Human Rights Commission (1); the LGBTQIA & Rainbow Commission (1); the Disability Commission (1); the Board of Youth Services (1); the Equal Opportunity Advisory Committee (1); and the Town Moderator (1). Non-voting members of the committee shall include one (1) representative from the Arlington Police Department, the Town's Diversity, Equity and Inclusion Coordinator, and the Town Counsel. The membership of the study committee's voting members will include at least one Town Meeting member and shall reflect racial/ethnic and other forms of diversity of Town residents. The study committee will complete its work and recommendations and shall report to the 2021 Annual town Meeting; or take any action related thereto.

(Inserted by the Select Board at the request of Jordan Weinstein
and ten registered voters)

ARTICLE 7

VOTE/BYLAW AMENDMENT/ENVISION ARLINGTON UPDATED LANGUAGE

To see if the Town will vote to amend Title I, Article 15 to change the name of "Vision 2020" to comport with its current name "Envision Arlington;" to revise the Bylaw's articulation of "Goals" as a "Statement of Community Values" or similar term; and to modernize the "Goals" as set forth in the vote of the 1993 Town Meeting (Article 19) with more inclusive language; or take any action related thereto.

(Inserted at the request of the Envision Arlington Standing
Committee)

ARTICLE 8

ACCEPTANCE OF LEGISLATION/BYLAW AMENDMENT/MUNICIPAL AFFORDABLE

HOUSING TRUST FUND

To see if the Town will vote to accept Massachusetts General Laws c. 44 § 55C, to authorize the creation of a Municipal Affordable Housing Trust Fund to support the development of affordable housing in Arlington, establish a new bylaw for the administration of same; or take any action related thereto.

(Inserted by the Select Board)

ARTICLE 9

VOTE/ELECTION MODERNIZATION COMMITTEE

To see if the Town will vote to extend the life of the Election Modernization Committee, change its structure, objectives, or membership; or take any action related thereto.

(Inserted by the Select Board and at the request of the Election
Modernization Committee)

ARTICLE 10

ACCEPTANCE OF LEGISLATION/GOLD STAR FAMILY TAX EXEMPTION

To see if the Town will vote to accept Massachusetts General Law Chapter 59 sec. 5(22H) to provide a local option to surviving parents or guardians of members of the United States armed services who died on active duty tax exemption; or take any action related thereto.

(Inserted at the request of the Town Manager)

ARTICLE 11

HOME RULE LEGISLATION/JUSTIN BROWN

To see if the Town will vote to request and authorize the Select Board to file Home Rule Legislation so as to enable Justin Brown, a resident of the Town, to be eligible for appointment as a firefighter in the Town of Arlington notwithstanding the fact that he has attained the age of 32; or take any action related thereto.

(Inserted by the Select Board at the request of Justin Brown and ten
registered voters)

ARTICLE 12

HOME RULE LEGISLATION/CONSOLIDATION OF TOWN MEETING MEMBER ELECTIONS

To see if the Town will vote to authorize and request the Select Board to file Home Rule Legislation to reform the nomination and election process for Town Meeting seats to permit the consolidation of elections of Town Meeting Members when there are vacant seats into a single election per precinct, such that the highest vote-getters win the longest available terms, to promulgate regulations to effectuate the same; or take any action related thereto.

(Inserted by the Select Board and at the request of the Election
Modernization Committee)

ARTICLE 13

HOME RULE LEGISLATION/RANKED CHOICE VOTING

To see if the Town will vote to authorize and request the Select Board to file Home Rule Legislation to elect Town offices by Ranked Choice Voting; or take any action related thereto.

(Inserted by the Select Board and at the request of the Election
Modernization Committee)

ARTICLE 14

HOME RULE LEGISLATION/SENIOR WATER DISCOUNT

To see if the Town will vote to authorize and request the Select Board to file Home Rule Legislation or other Special Legislation which would permit the Town to discount fees charged to qualifying, means-tested Arlington Seniors for water and sewer usage; or take any action related thereto.

(Inserted by the Select Board)

ARTICLE 15

HOME RULE LEGISLATION/RETIRED POLICE OFFICER DETAILS

To see if the Town will vote to authorize and request the Select Board to file Home Rule Legislation, as set forth below, to allow retired police officers to work police details; or take any action related thereto.

AN ACT RELATIVE TO THE APPOINTMENT OF RETIRED POLICE OFFICERS AS SPECIAL POLICE OFFICERS IN THE TOWN OF ARLINGTON

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The Town Manager of the Town of Arlington may appoint, at the recommendation of the Chief of Police and as the Chief of Police deems necessary, retired police officers as special police officers for the purpose of performing police details and any police duties arising therefrom or during the course of police detail work, whether or not related to the detail work, when the special police officer is on detail assignment and an emergency response by the special police officer is required due to the inability of a regular police officer to timely respond to the emergency. Such retired police officers must have previously served as regular full-time police officers for the Town of Arlington who voluntarily retired based upon superannuation under the provisions of chapter 32 of the General Laws.

No retired police officer shall be eligible for appointment under this act if such officer has reached the mandatory age for retirement of police officers specified in chapter 32 of the General Laws and regulations promulgated thereunder and the employment of any officer appointed under this act shall terminate upon attaining such age. No officer who has been retired from the Town of Arlington Police Department for more than five years shall be eligible for appointment under this act unless the officer has maintained

employment since the date of retirement as an active police officer in the Commonwealth. Prior to being appointed under this act every officer who is to be appointed must pass a medical examination by a physician chosen by the Town to determine that such officer is capable of performing the essential duties of a special police officer under this act. The cost of such examination shall be borne by the special police officer. Such officer shall provide certification to the Town that the officer is covered by personal health insurance.

SECTION 2. Special police officers appointed under this act shall not be subject to chapter 31 of the General Laws; sections 85H and 85H ½ of chapter 32 of the General Laws; sections 99A, 100, or 111F of chapter 41 of the General Laws; or chapter 150E of the General Laws. Special police officers appointed under this act shall be subject to chapter 151A of the General Laws.

SECTION 3. Special police officers appointed under this act shall, when performing their duties set forth in this act, have the same power to make arrests and to perform other police functions as do regular police officers of the Town of Arlington.

SECTION 4. Special police officers shall be appointed for a term of one year, subject to renewal in the Town Manager's sole discretion. During the term of appointment, the officer shall serve at the pleasure of the Town Manager, subject to removal by the Town Manager at any time with or without cause. Any such removal shall be preceded by a fourteen-day written notice unless considerations of public safety and welfare, determined in the Town Manager's sole discretion, require immediate removal. In such instances, the Town Manager shall provide the officer with a written statement of reasons for the immediate removal.

SECTION 5. Special police officers appointed under this act shall be subject to the rules and regulations, policies and procedures and requirements of the Police Department and the Chief of Police of the Town of Arlington, including restrictions on the type of detail assignments, requirements regarding medical examinations to determine continuing capability to perform the duties of a special police officer, requirements for training, requirements for firearms qualifications and licensing, and requirements regarding uniforms and equipment. Compliance with all requirements will be at no cost to the Town of Arlington. Special police officers appointed under this act shall not be subject to section 96B of chapter 41 of the General Laws.

SECTION 6. Special police officers appointed under this act shall be sworn before the Town Clerk of the Town of Arlington who shall keep a record of all such appointments.

SECTION 7. Appointment as a special police officer under this act shall not entitle any officer appointed as such to assignment to any specific detail or type of detail, and all such assignments shall be made in the sole discretion of the Chief of Police. Special police officers appointed under this act shall be paid the hourly detail rate applicable to regular full-time officers, including any changes to such rate, but shall not be entitled to any other Town benefits.

SECTION 8. Retired police officers appointed as special police officers under this act shall be subject to the limitations on hours worked and on earnings by retired municipal

employees under paragraph (b) of section 91 of chapter 32 of the General Laws. Any such officer shall, on or before January thirty-first of each calendar year, file a sworn statement with the Arlington Contributory Retirement Board on a prescribed form identifying the compensated number of hours worked for, and all earnings therefrom, for the Commonwealth and any of its subdivisions for which the police officer worked during the preceding calendar year.

SECTION 9. This act shall take effect upon its passage.

(Inserted by the Select Board)

ARTICLE 16

ZONING BYLAW AMENDMENT/DEFINITIONS RELATED TO OPEN SPACE

To see if the Town will vote to amend the Zoning Bylaw of the Town of Arlington by renaming the terms “Open Space”, “Open Space, Usable” and “Open Space, Landscaped” in Section 2 – Definitions; or take any action related thereto.

(Inserted by the Redevelopment Board at the request of Stephen A. Revilak and ten registered voters)

ARTICLE 17

ZONING BYLAW AMENDMENT/NOTICE OF DEMOLITION, OPEN FOUNDATION EXCAVATION, NEW CONSTRUCTION, OR LARGE ADDITIONS

To see if the Town will vote to amend the Zoning Bylaw in Section 3.1.B. by appending to the end of this section the sentence: “No such permit shall be issued until the Building Inspector finds that the applicant is in compliance with the applicable provisions of Title VI, Article 7 of the Town Bylaws;” or take any action related thereto.

(Inserted by the Redevelopment Board at the request of Michael Ruderman and ten registered voters)

ARTICLE 18

ZONING BYLAW AMENDMENT/IMPROVING RESIDENTIAL INCLUSIVENESS, SUSTAINABILITY, AND AFFORDABILITY BY ENDING SINGLE FAMILY ZONING

To see if the Town will vote to amend the Zoning Bylaw for the Town of Arlington by expanding the set of allowed residential uses in the R0 and R1 zoning districts with the goal of expanding and diversifying the housing stock by altering the district definitions for the R0 and R1 zoning districts; or take any action related thereto.

(Inserted at the request of Benjamin Rudick and ten registered voters)

ARTICLE 19

ZONING BYLAW AMENDMENT/ACCESSORY DWELLING

UNITS

To see if the Town will vote to allow Accessory Dwelling Units (ADUs) in single and two-family dwellings in residential districts, or take any action related thereto by amending the Zoning Bylaw as follows:

Section 1.2 Purposes to add “to encourage housing for persons at all income levels and stages of life”:

and

Section 2.5 Definitions Associated with Dwelling: to add An ACCESSORY DWELLING UNIT, OR ACCESSORY APARTMENT, “Accessory dwelling unit”, four or more rooms constituting a self-contained accessory housing unit, inclusive of sleeping, cooking and sanitary facilities on the same premises as the principal dwelling, subject to otherwise applicable dimensional and parking requirements, that: (i) maintains a separate entrance, either directly from the outside or through an entry hall or corridor shared with the principal dwelling sufficient to meet the requirements of the state building code and state fire safety code; (ii) is not larger in floor area than 1/2 the floor area of the principal dwelling.

and

Section 3.3.3 Special Permits to add “in the case of requests for special permits for Accessory Dwelling Units, the use will add to the need for a range of affordable housing opportunities for the Town.”

and

Section 5.2.3 Districts and Uses: to add “to allow for the creation of accessory dwelling units in all zoning districts which allow residential use. (Include in Section 5.4 Residential Districts);

or take any action related thereto.

(Inserted at the request of Barbara Thornton and ten registered voters)

ARTICLE 20 ZONING BYLAW AMENDMENT/PARKING REDUCTIONS IN THE B3 AND B5 DISTRICTS

To see if the Town will vote to amend the Zoning Bylaw to allow the Board of Appeals or Arlington Redevelopment Board, as applicable, to reduce the parking requirement to as low as zero in the B3 and B5 Districts through Special Permit where businesses have no ability to create new parking by amending SECTION 6.1.5. PARKING REDUCTION IN BUSINESS, INDUSTRIAL, AND MULTI-FAMILY RESIDENTIAL ZONES; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

ARTICLE 21 ZONING MAP AMENDMENT/REZONE TOWN PROPERTY

To see if the Town will vote to rezone a parcel of land belonging to the Town of Arlington with access from Grove Street and being identified by Map 54, Block 3, Lot 2.B from R1 to I, or take any other action related thereto.

(Inserted at the request of the Town Manager)

ARTICLE 22

COLLECTIVE BARGAINING

To see if the Town will vote to fund any fiscal items in the event that any are contained in collective bargaining agreements between the Town and the following named collective bargaining unit's salaries or fringe benefits, determine how the money shall be raised and expended; or take any action related thereto:

A. Arlington Police Patrol Officers' Association (formerly Arlington Patrolmen's Association);

(Inserted at the request of the Town Manager)

ARTICLE 23

CAPITAL BUDGET/DPW YARD

To see if the Town will vote to appropriate a sum of money for remodeling, reconstructing, or making extraordinary repairs to the DPW Yard and associated buildings, including original equipment and landscaping, paving and other site improvements incidental or directly related to such remodeling, reconstruction or repair, and determine whether such appropriations shall be raised by taxation, transferred from available funds, borrowed or provided by any combination of the foregoing; or take any action related thereto.

(Inserted at the request of the Town Manager)

ARTICLE 24

APPROPRIATION/COMMUNITY PRESERVATION FUND

To see if the Town will vote to make appropriations from the Community Preservation Fund for eligible community preservation projects; for community preservation reserve accounts for historic preservation, open space and recreation, and affordable housing; for Community Preservation Act Committee administrative expenses or other eligible expenses; or take any action related thereto.

(Inserted at the request of the Community Preservation Act
Committee)

ARTICLE 25

RESOLUTION/BLACK LIVES MATTER BANNER AT TOWN HALL

To see if the Town will vote to or take any action related thereto: Be it hereby resolved, that it is the will of Town Meeting that the Town of Arlington continue to display a Black Lives Matter banner on Town Hall until such time as Town Meeting recommends its removal, or takes any action related thereto.

(Inserted at the request of Katell Gullec and 100 registered voters)



Town of Arlington, Massachusetts

ARTICLE 3

Warrant Article Title:

BYLAW AMENDMENT/REGULATION OF OUTDOOR LIGHTING - UPLIGHTING

Warrant Article Text:

To see if the Town will vote to amend Title V Article 14 Section 3D of the Town Bylaws to include structures used for religious purposes, and structures used for commercial purposes, among the exemptions to the prohibition of uplighting; or take any action related thereto.

Requested by:

(Inserted by the Select Board at the request of Paul Schlichtman and ten registered voters)

Discussion:

*This article returns to the Warrant from the 2020 Annual Town Meeting.

During the 2019 Annual Town Meeting, revisions were made to the Town's "Outdoor Lighting" Bylaw, including revised provisions for the regulation of so-called "uplighting." These revisions may have had the unintended effect of regulating houses of worship and commercial buildings in a way not contemplated by Town Meeting. The instant motion proposed by the Outdoor Lighting (or "Dark Skies") Bylaw's chief proponent Mr. Paul Schlichtman, affords Town Meeting the opportunity to correct any unintended regulations by adding buildings used for religious or commercial purposes to the list of properties exempt from uplighting restrictions. The Select Board endorses positive action on this motion for the purposes of such a discussion at Town Meeting.

Vote Language:

That Title V, Article 14, Section 3D of the Town Bylaws be and hereby is amended as follows:

3(D). Up-lighting, the direct light illumination distributed above a 90 degree horizontal plane through the lowest direct light emitting part of the luminaire, is prohibited, except for signage governed by and permitted under the Arlington Zoning Bylaw, illumination of the United States Flag, the Flag of the Commonwealth of Massachusetts, or other flags on Town and/or school property, Town, School, public building façades, buildings used for religious purposes, buildings used for commercial purposes, or a public monument. For any up-lighting, the luminaire shall be equipped with shields so that the lamp is not visible from a street, or a lot that is in Residential or Conservation use.

(5 – 0)

Select Board Report

ATTACHMENTS:

Description	Type	File Name
❑ Amendment- A. Badik	Reference Material	Badik_Amendment_Motion_STM_-_Article_3_.pdf
❑ Amendment- B. Friedman	Reference Material	Friedman_Motion_to_Amend_Article_3.pdf

Arlington Special Town Meeting — Motion to Amend

ARTICLE NO. 3

Dated: Nov. 15, 2020

I, Adam Badik, do hereby submit the following Motion to Amend
Article 3:

VOTED:

Whereas this amendment clearly exempts a significant number of buildings from the
uplighting prohibition, adding more light pollution rather than making our skies darker,

That Title V, Article 14, Section 3D of the Town Bylaws be and hereby is amended as
follows:

3(D). Up-lighting, the direct light illumination distributed above a 90 degree horizontal
plane through the lowest direct light emitting part of the luminaire, is prohibited, except
before 9:30PM or with specific permission from the Select Board for ten or fewer
consecutive days, for signage governed by and permitted under the Arlington Zoning
Bylaw, illumination of the United States Flag, the Flag of the Commonwealth of
Massachusetts, or other flags on Town and/or school property, Town, School, public
building façades, buildings used for religious purposes, buildings used for commercial
purposes, or a public monument. For any up-lighting, the luminaire shall be equipped
with shields so that the lamp is not visible from a street, or a lot that is in Residential or
Conservation use.

Signed:

s / Adam Badik/
Precinct 5 ,

Date Voted: _____

Action Taken: _____

Arlington Town Meeting ---Motion

ARTICLE NO. 3

Dated: Nov.15, 2020

I, BethAnn Friedman, do hereby submit the following Motion:

VOTED: That Title V, Article 14, Section 3D of the Town Bylaws be and hereby is amended as follows:

3(D). Up-lighting, the direct light illumination distributed above a 90 degree horizontal plane through the lowest direct light emitting part of the luminaire, is prohibited, except for signage governed by and permitted under the Arlington Zoning Bylaw, illumination of the United States Flag, the Flag of the Commonwealth of Massachusetts, or other flags on Town and/or school property, Town School public building facades, **buildings used for religious purposes, buildings used exclusively for commercial purposes**, or a public monument. For any up-plight, the luminaire shall be equipped with shields so that the lamp is not visible from a street, or a lot that is in Residential or Conservation use.

Discussion: Restricting changes to Title V, Article 14, Section 3D of the Town Bylaws to include only those buildings used exclusively for commercial purposes would prohibit mixed-use buildings from installing up-lighting. I believe this was the original intent of Warrant Article No. 3.

BethAnn Friedman
Precinct 15



Town of Arlington, Massachusetts

ARTICLE 4

Warrant Article Title:

BYLAW AMENDMENT/MINUTEMAN BIKEWAY HOURS

Warrant Article Text:

To see if the Town will vote to amend Title III, Article 1, Section 10 of the Town Bylaws (Minuteman Bikeway Hours) to extend the operating hours of the Minuteman Bikeway; or take any action related thereto.

Requested by:

(Inserted by the Select Board at the request of Adam MacNeill and ten registered voters)

Discussion:

*This articles returns to the Warrant from the 2020 Annual Town Meeting.

The Select Board strongly supports this effort to increase Minuteman Bikeway hours beyond 9:00 p.m. in recognition of the Bikeway's increased use in later evening hours. Rather than affix a specific time in the Bylaws, the Board urges Town Meeting to vest discretion in the Town Manager to set and post evening hours (with a curfew no earlier than 9:00 p.m.) as appropriate for conditions. For example, if summer month conditions are appropriate, the Bikeway could be open for longer periods than in winter months. It bears noting that several Bikeway communities, including Lexington and Bedford have no hour restrictions whatsoever. This proposal would maintain control of Bikeway hours, but afford appropriate flexibility as seasonal or infrastructure conditions allow.

Vote Language:

That that Title III, Article 1, Section 10 of the Town Bylaws ("Minuteman Bikeway Hours") be and hereby is amended as follows:

Section 10. Minuteman Bikeway Hours

The Minuteman Bikeway shall be open to the use of the public between the hours of 5:00 A.M. and such evening hour as set and posted by the Town Manager no earlier than 9:00 P.M. Anyone found on said premises between the posted evening hours ~~of 9:00 P.M.~~ and 5:00 A.M. shall be considered trespassers and subject to a fine of up to \$20.

(5 – 0)

Select Board Report

ATTACHMENTS:

Description	Type	File Name
 Substitute Motion- P. Muldoon	Reference Material	Muldoon_Substitute_Motion_STM_Art_4.pdf

Arlington Special Town Meeting — Substitute Motion

ARTICLE NO. 4

Dated: 11/18/20

I, Patricia Muldoon, do hereby submit the following Substitute Motion on Article 4:

VOTED:

That that Title III, Article 1, Section 10 of the Town Bylaws (“Minuteman Bikeway Hours”) be and hereby is deleted in its entirety, and to have the bylaws reflect same so as to read substantially as follows:

Section 10. DELETED (STM 11/18/2020)

COMMENT:

The purpose of this substitute motion is to extend the Minuteman Bikeway hours by eliminating our regulation of the Bikeways hours. For Town Meeting’s reference, the provision of the bylaws to be stricken is as follows:

~~Section 10. Minuteman Bikeway Hours~~

~~The Minuteman Bikeway shall be open to the use of the public between the hours of 5:00 A.M. and 9:00 P.M. Anyone found on said premises between the hours of 9:00 P.M. and 5:00 A.M. shall be considered trespassers and subject to a fine of up to \$20.~~

Signed:



Patricia Muldoon, Precinct 20

Date Voted: _____

Action Taken: _____



Town of Arlington, Massachusetts

ARTICLE 5

Warrant Article Title:

HOME RULE LEGISLATION/BYLAW AMENDMENT/FOSSIL FUEL INFRASTRUCTURE

Warrant Article Text:

To see if the Town will vote to authorize and request the Select Board to file Home Rule Legislation to allow the Town of Arlington to regulate fossil fuel infrastructure in new construction and/or major renovation and rehabilitation projects in Arlington for the purposes of reducing greenhouse gas emissions and encouraging renewable energy production and use, notwithstanding the State Building Code, the Gas Code, M.G.L. c. 164 or any other law of the Commonwealth regulating natural gas as a residential utility; and further to vote to establish a new section of Title VI of the Town Bylaws prohibiting or otherwise regulating the installation of fossil fuel infrastructure in new construction projects and/or major renovation and rehabilitation projects in Arlington, and to set forth the terms and scope of such prohibition, including exemptions or waivers to same; or take any action related thereto.

Requested by:

(Inserted by the Select Board and at the request of the Clean Energy Future Committee)

Discussion:

*This article returns to Town Meeting from the 2020 Annual Town Meeting in revised form.

The Select Board urges Town Meeting's support for this two-pronged effort to take firm action to reduce dependence on fossil fuels and reduce pollution in Arlington as recommended by Arlington's Clean Energy Future Committee. In short, this article would seek a Special Act to allow the Town to regulate the installation of fossil-fuel based infrastructure on new residential and commercial construction and major renovations (with major renovations for most projects defined in a manner consistent with special-permit triggering work) while also enacting a local bylaw detailing such regulations. It is likely that an approved bylaw would be put on hold until the requested special legislation is passed.

Substantively, the Town would seek to prohibit the installation of new fossil fuel pipe infrastructure (natural gas, propane, fuel oil), so as to require what are essentially new or significantly renovated buildings to use cleaner fuel sources in the interests of protecting both health and safety and the natural environment. It is important to highlight that the list of exemptions to the proposed bylaw is extensive; that address common concerns and needs including:

- All cooking appliances;
- Backup generators;
- Outdoor cooking and heating;
- Large central hot water heaters;
- Labs and certain medical offices;
- Repairs to unsafe conditions

Furthermore, the proposal creates a system of waivers for qualifying projects where non-fossil fuel infrastructure is not feasible or would frustrate important goals such as the creation and maintenance of affordable housing. In sum, the Board believes this coordinated effort is a valuable incremental step in reducing pollution and investing in clean energy technologies for future generations, and highly recommends positive action.

Vote Language:

That the Town does hereby request and authorize the Select Board to file Home Rule Legislation to provide substantially as follows:

“AN ACT AUTHORIZING THE TOWN OF ARLINGTON TO ADOPT AND ENFORCE LOCAL REGULATIONS RESTRICTING NEW FOSSIL FUEL INFRASTRUCTURE IN CERTAIN CONSTRUCTION”

Be it enacted as follows:

SECTION 1. Notwithstanding chapter 164 of the General Laws, section 13 of chapter 142 of the General Laws, the State Building Code, or any other general or special law or regulation to the contrary, the town of Arlington is hereby authorized to adopt and further amend general or zoning by-laws that restrict new construction or major renovation projects that do not qualify as fossil-fuel-free, as defined in section 4 of this act.

SECTION 2. Notwithstanding section 7 of chapter 40A of the General Laws, or any other general or special law or regulation to the contrary, the Building Inspector of the town of Arlington, or any designee thereof, shall be authorized to enforce restrictions on new construction and major renovation projects that do not qualify as fossil-fuel-free, as defined in section 3 of this act, including through the withholding of building permits.

SECTION 3. As used in this act, the term “fossil-fuel-free” shall refer to construction or renovation that results in an entire building or an entire condominium unit that does not utilize coal, oil, natural gas other fuel hydrocarbons (including synthetic equivalents), or other fossil fuels in support of its operation.

SECTION 4. This act shall take effect upon its passage and shall authorize any pending bylaw already approved by Arlington’s Town Meeting consistent with Sections 1 through 3 above.

SECTION 5. If any provision or section of this act is invalidated, the remainder shall survive in full force and effect.

AND FURTHER VOTED, that at Title VI of the Town Bylaws be and hereby is amended to add a new Article 10 entitled “Prohibition on New Fossil Fuel Infrastructure in Major Construction” as follows:

ARTICLE 10. PROHIBITION ON NEW FOSSIL FUEL INFRASTRUCTURE IN MAJOR
CONSTRUCTION

Section 1 Purpose

This Bylaw is adopted by the Town of Arlington, under its home rule powers and its police powers under Massachusetts General Laws, Chapter 40, Sections 21 (clauses 1, 18) and 21D, and Chapter 43B, Section 13, to protect the health and welfare of the inhabitants of the town from air pollution, including that which is causing climate change and thereby threatens the Town and its inhabitants.

Section 2 Definitions

“New Building” shall mean a new building or new accessory building (a building devoted exclusively to a use accessory to the principal use of the lot) that is associated with a valid building permit application on or after the Effective Date.

“On-Site Fossil Fuel Infrastructure” shall mean piping for fuel gas, fuel oil, or other fuel hydrocarbons, including synthetic equivalent that is in a building, in connection with a building, or otherwise within the property lines of premises, extending from a supply tank or from the point of delivery behind a gas meter (customer-side of gas meter).

“Major Renovation” shall mean a renovation project associated with a valid building permit application on or after the Effective Date of this article that:

(1) For existing structures regulated by the current edition of the International Residential Code as amended by 780 CMR 51: Massachusetts Residential Code, includes the reconfiguration of space and/or building systems, in which the Work Area, not including any added space, is more than 75% of the Gross Floor Area, as defined in Section 2 of the Arlington Zoning Bylaw, prior to the project;

(2) For existing structures regulated by the current edition of the International Building Code as amended by 780 CMR 34: Massachusetts Commercial Code, includes the reconfiguration of space and/or building systems, in which the Work Area, not including any added space, is more than 50% of the building floor area prior to the project, as defined by the Massachusetts Building Code.

“Work Area” shall mean the portions of a building affected by renovations for the reconfiguration of space and/or building systems, as indicated in the drawings associated with a building permit application. Areas consisting of only repairs, refinishing, and/or incidental work are excluded from the Work Area.

“Effective Date” shall mean July 1, 2022, or six months following the date by which the Town is authorized by Special Act to regulate fossil fuel infrastructure by the Commonwealth of Massachusetts, whichever is later in time.

Section 3 Applicability

The requirements of this article shall apply to all permit applications for New Buildings and Major Renovations proposed to be located in whole or in part within the Town, except that:

A. The requirements of this article shall not apply to utility service piping connecting the grid to a meter, or to a gas meter itself.

B. The requirements of this article shall not apply to piping required to fuel backup electrical generators.

C. The requirements of this article shall not apply to piping required for cooking appliances and related appliances.

D. The requirements of this article shall not apply to the use of portable propane appliances for outdoor cooking and heating.

E. The requirements of this article shall not apply to the piping required to produce potable or domestic hot water from centralized hot water systems in buildings with building floor areas of at least 10,000 square feet, provided that the Engineer of Record certifies that no commercially available electric hot water heater exists that could meet the required hot water demand for less than 150% of installation or operational costs, compared to a conventional fossil-fuel hot water system.

F. So long as new fossil fuel piping is not installed, the requirements of this article shall not apply to the extension or modification of heating systems via HVAC system modification, or modification of radiator, steam, or hot water piping.

G. The requirements of this article shall not apply to research laboratories for scientific or medical research or to medical offices regulated by the Massachusetts Department of Public Health as a healthcare facility.

H. The requirements of this Article shall not apply to repairs of any existing portions of a fuel piping system deemed unsafe or dangerous by the Plumbing and Gas Fitting Inspector.

Section 4 Enforcement

Upon the Effective Date, no permits shall be issued by the Town for the construction of New Buildings or Major Renovations that include the installation of new On-Site Fossil Fuel Infrastructure, except as otherwise provided in Sections 3, 5, and 6 of this bylaw

Section 5 Waivers

A. In the event that compliance with the provisions of this bylaw makes a project financially infeasible or impractical to implement, the Building Inspector may grant a waiver subject to reasonable conditions. Where appropriate, such waivers shall be issued narrowly for specific portions of a project that are financially infeasible or impractical to implement under the requirements of this Article. Waiver requests shall be supported by a detailed cost comparison, inclusive of available rebates and credits. A waiver request may be made at any time and may be based upon submission of conceptual plans. Particular consideration for waivers will be given to projects sponsored by non-profit or government-sponsored affordable housing entities.

B. Guidance regarding the granting of waivers and prescription of conditions shall be provided by the Select Board prior to the Effective Date and periodically extended or amended in the light of experience and changing circumstances.

Notwithstanding the foregoing, Compliance with this bylaw may be considered financially infeasible if:

1. As a result of factors beyond the control of the proponent the additional cost of the project over the long term, including any available subsidies, would make the project commercially unviable; and/or

2. If technological or other factors would make the project unsuitable for its intended purpose.

C. The Building Inspector's decision with respect to the granting of a waiver, the scope thereof, and any conditions prescribed, shall be appealable to the Town Manager in accordance with procedures established by the Town Manager.

Section 6 Appeals

The Town Manager shall hear appeals from decisions by the Building Inspector on the applicability of this bylaw under section 3 in accordance with such procedural rules as may be adopted from time to time by the Town Manager.

(4 – 0) Mr. DeCoursey recused himself from the discussion and vote.

Select Board Report

Watch the Video Presentation



Town of Arlington, Massachusetts

ARTICLE 6

Warrant Article Title:

VOTE/ESTABLISHMENT OF POLICE CIVILIAN ADVISORY BOARD STUDY COMMITTEE

Warrant Article Text:

To see if the Town will vote to form a Committee to study the creation of an Arlington police civilian review board independent from the police department with the authority and resources to receive and investigate complaints, review police services and make recommendations for their improvement. The study committee shall be comprised of seven (7) voting members and three (3) non-voting members. The study committee will make its decisions based on the vote of a simple majority of the committee's voting members who shall be appointed to the committee by: the Envision Arlington Standing Committee (1); the Arlington Human Rights Commission (1); the LGBTQIA & Rainbow Commission (1); the Disability Commission (1); the Board of Youth Services (1); the Equal Opportunity Advisory Committee (1); and the Town Moderator (1). Non-voting members of the committee shall include one (1) representative from the Arlington Police Department, the Town's Diversity, Equity and Inclusion Coordinator, and the Town Counsel. The membership of the study committee's voting members will include at least one Town Meeting member and shall reflect racial/ethnic and other forms of diversity of Town residents. The study committee will complete its work and recommendations and shall report to the 2021 Annual town Meeting; or take any action related thereto.

Requested by:

(Inserted by the Select Board at the request of Jordan Weinstein and ten registered voters)

Discussion:

*This articles returns to the Warrant from the 2020 Annual Town Meeting in revised form.

The Select Board urges Town Meeting's support for the establishment of a study committee to evaluate the creation and use of alternative, civilian-based mechanisms to examine complaints about police interactions in Arlington. While there is not universal agreement on what kind of independent police review, if any, is appropriate in Arlington, it is the Board's collective view that a study committee informed by a diverse set of perspectives, equipped with data and information about the experiences of comparable communities, and advised of the potential impacts of pending statewide police accountability legislation, can and should be entrusted with researching these matters and making recommendations to Town Meeting on this important issue.

It must be stressed that the Board supports this measure as parallel and complementary to the Police Chief's development of a Chief's Advisory Board, the quality work of the Arlington Police Department's Professional Standards team, and related work of APD, Town staff, volunteers, community groups, and residents to advance dialogues and relationships on a range of policing issues. Moreover, neither the Board nor the Committee's charge presupposes an outcome. Rather, it is the Board's hope and expectation that this Study Committee will bring together representatives of dedicated stakeholders for earnest and thorough exploration of their mission to advance our understanding of the best ways for Arlington and its police department to facilitate mutual respect and shared confidence in the discharge of police duties.

Vote Language:

That Town Meeting hereby establishes a "Civilian Police Advisory Board Study Committee" to be structured, organized, and charged as follows:

Civilian Police Advisory Board Study Committee

I. Committee Membership and Organization

A. The Committee shall consist of (17) members; two (2) of whom shall be non-voting, ex-officio members, and fifteen (15) of whom shall be voting members as follows:

i. Ex-officio members:

- A member of the Select Board or their designee to be determined by such Board for the purposes of administering the organizational meeting only; and
- The Town Counsel or their designee.

ii. Voting members:

- One (1) member of the Envision Arlington Standing Committee as determined by such commission;
- One (1) member of the Arlington Human Rights Commission as determined by such commission;
- One (1) member of the LGBTQIA+ Rainbow Commission as determined by such commission;
- One (1) member of the Disability Commission as determined by such commission;
- One (1) member of the Board of Youth Services; as determined by such Board;
- One (1) designee of the Envision Arlington Diversity Task Group co-chairs;
- One (1) member of the Council on Aging as determined by such Council;
- One (1) member of the Menotomy Manor Tenants Association as determined by such Association;
- One (1) Arlington High School student, as recommended by the AHS Principal;
- One (1) graduate of the Citizens Police Academy, to be appointed by the Chief of Police, based on the recommendation of the program coordinator;
- Three (3) Town Meeting Members, to be appointed by the Town Moderator;
- The Chief of Police or their designee; and
- The Diversity, Equity & Inclusion Coordinator or their designee.

Appointing authorities shall be encouraged to designate representatives, who reflect racial, ethnic, and other forms of diversity to be found in Arlington.

iii. Quorum

A majority of voting members shall constitute a quorum, and decisions shall be based on the vote of a simple majority of those committee members present and voting.

iv. Organization and First Meeting

The initial meeting of the Study Committee shall be convened by the designee of the Select Board, and the first order of business shall be the self-organization of the study committee through the election of one or more chairs, whose responsibility shall be to convene and preside over all future meetings, as well as a clerk, whose duties shall include the proper posting of meeting agendas and minutes. The Study Committee shall designate any other officers as it sees fit.

II. Committee Charge & Reporting

A. The Study Committee shall study the creation of alternative mechanisms for civilians to file complaints regarding police interactions, considering various models including a police civilian review board independent from the police department with the authority and resources to receive and investigate complaints. Said committee shall also review police services, examine the experience of comparable communities, and consider the potential impacts of pending legislation.

B. The Study Committee shall report its findings and any recommendations to the 2022 Annual Town Meeting, any earlier Annual or Special Town Meeting, and/or other appropriate administrative, management, or elected or appointed officials.

III. Dissolution

The study committee will be dissolved concurrent with the dissolution of the 2022 Annual Town Meeting, unless there is a vote of Town Meeting to effectuate an earlier dissolution or to extend the Committee's charge.

(5 – 0)

Select Board Report

ATTACHMENTS:

Description	Type	File Name
▢ Finance Committee Report on Arlington Police Department	Reference Material	Finance_Committee_Report_on_Arlington_Police_Department.pdf
▢ Amendment - C. Kelleher	Reference Material	Article6_Amend_CKelleher_9Nov2020.pdf
▢ Amendment- E. Dray	Reference Material	Dray_Article_6_Amendment.pdf

FINANCE COMMITTEE



To: Town Moderator and Town Meeting Members

From: Charlie Foscett

Date: November 14, 2020

Subject: Finance Committee Report on Arlington Police Department

Please find attached a report on the expenses and related activities of the Arlington Police Department prepared by Finance Committee members Christine Deshler (vice-chair), Darren Harmer and Jonathan Wallach.

TO: Arlington Finance Committee

FROM: Christine Deshler, Vice Chair
Darrel Harmer
Jonathan Wallach

RE: Arlington Police Department Review

DATE: October 28, 2020

Recent national and local events have caused many residents of Arlington to question current models of policing, decrying the increased “militarization” of the police, favoring a more community-based model of safety, support and prevention, and expressing a desire that the Town’s force better reflect and represent its diversity and values. Some have called for “defunding” the police department or even eliminating it entirely. Anticipating that Town Meeting Members would turn to the Finance Committee for guidance in making decisions concerning the police department budget, in July 2020, the Chair of the Finance Committee requested that Vice Chair, Christine Deshler and members Jonathan Wallach and Darrel Harmer conduct an in-depth survey of the police department.

The subcommittee met (virtually) several times throughout the summer and fall of 2020 and collected data from various sources, including from the Arlington Police Department itself. Throughout this process, the focus of the subcommittee was to determine the extent of the Department’s resources and to assess how those resources are currently being deployed. Its findings are discussed below. The subcommittee hopes that this report will help inform the Finance Committee in making its budget recommendations.

Certification of the Department.

The Arlington Police Department is fully accredited by the Massachusetts Police Accreditation Commission. It is currently undergoing a reaccreditation process, which occurs every three years. The Department became a Certified agency in 2008, one of the first police departments to do so. It became fully accredited in 2014.

Accreditation is a voluntary process, which requires the department to satisfactorily meet all 257 mandatory standards and at least 60% of 125 optional standards set by the Commission. These standards provide guidelines for the law enforcement professional as well as establish expectations for the delivery of police services to members of the community. These standards cover a number of areas such as policy development, emergency response planning, training, communications, property and evidence handling, use of force, vehicular pursuit, prisoner transportation, and holding facilities.

Human Resources.

Diversity

The Department is led by Juliann Flaherty, the town's first female police chief.

Although the Department is being led by a female police chief, there are no female captains, lieutenants or sergeants on the Arlington police force. Of the 61 FT sworn officers currently employed by the Department, only 6 (10%) are woman.¹

Like its lack of gender equality, the racial makeup of the Department lags behind the diversity of the Town. According to the 2010 U.S. Census Report, Hispanic and racial minorities comprise 16.4% of the Arlington population. (Of that 16.4%, 57% identify as Asian). Of the 61 FT sworn officers in the police department, only 4 (6.6%) are minorities (2 Black, 1 Asian, 1 Native American). The Department's civilian dispatchers and parking control officers are slightly more reflective of the town's diversity. Of the 9 dispatchers, 2 are female and 1 is Black. Of the 3 parking control officers, two are Black, one is female.

Efforts to diversify the police department are hampered by state law requiring that the Town hire only from the civil service list.² Even the Department's efforts to diversify its force by seeking to hire lateral officers have been unsuccessful because no officers have applied.

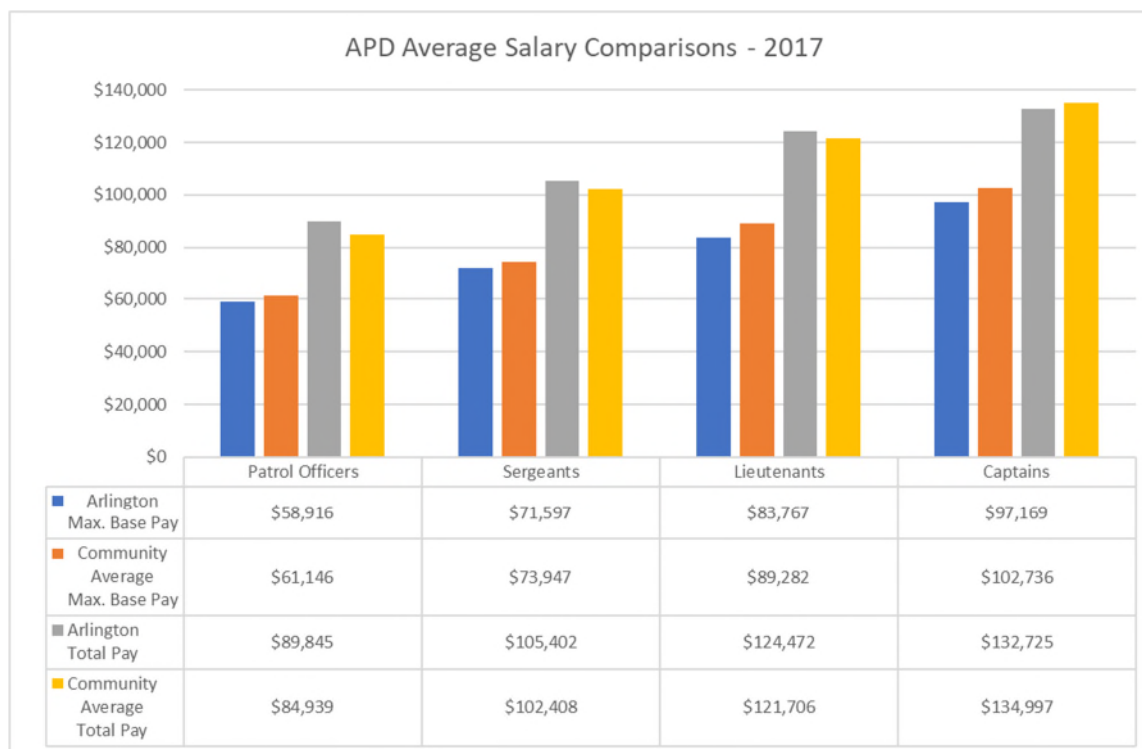
Salaries

According to a 2017 Town study, which attempted to compare Arlington's maximum base pay for patrol officers, sergeants, lieutenants and captains with those of comparable communities, Arlington's maximum pay is below average as shown in the following chart.

However, when longevity (at 25 years), education pay, holiday pay, night differential pay, clothing and cleaning allowances, and defibrillator pay, are factored in, Arlington's salaries exceed the averages as also shown below.

¹ According to national statistics compiled by the Bureau of Justice, women account for about 12% of all police officers, 10% of police supervisors, and only 3% of local police chiefs in the United States.

² Candidates must also successfully complete training at the police academy before being employed by the town.



The subcommittee cautions that this information may be out-of-date. At least one of the comparable communities, and possibly others, have renegotiated their police union contracts since 2017. The subcommittee has been informed that the Town has contracted with a vendor to conduct a new round of salary surveys for all positions across town, including but not limited to the police department. This study, however, is several months away from completion.

Training

In 2019, the Department sent employees to 19 different training programs. Approximately half of these programs provided training in fundamental crime and safety areas (i.e. active shooter training, report writing, Criminal Reform Act training, internet crimes against children training, use of force training, and others). The other half of these training programs addressed community policing, or diversity and bias issues (i.e. Cultural Diversity and Bias Training for Public Safety, Implicit Bias, LGBTQIA, suicide prevention, ADL Law Enforcement Seminar, Procedural Justice/Implicit Bias, Recognizing Symbols of Hate, and others).

These programs are in addition to firearms recertification, the 40 hours of in-service training the Municipal Police Training Committee requires for all sworn officers, breath-test certification, ethics training, and in-custody suicide prevention training, which are all mandatory.

The Police Chief is committed to continuing training programs in de-escalation, unconscious bias, fair and impartial policing, and mental health first aid. She has identified an additional training program that she (and the department's mental health clinician) would like all officers to

attend: Crisis Intervention Training. Such training is becoming increasingly important given the calls for services involving behavioral, mental health or substance abuse issues. (See below). The cost for such training is estimated to be approximately \$108,000.³

The Police Chief would also like to conduct an additional 8-hours of firearms training, to include de-escalation techniques. If conducted at night, which would be more useful to the Department, the cost of such training would be approximately \$35,000.

Operational Budget

Spending

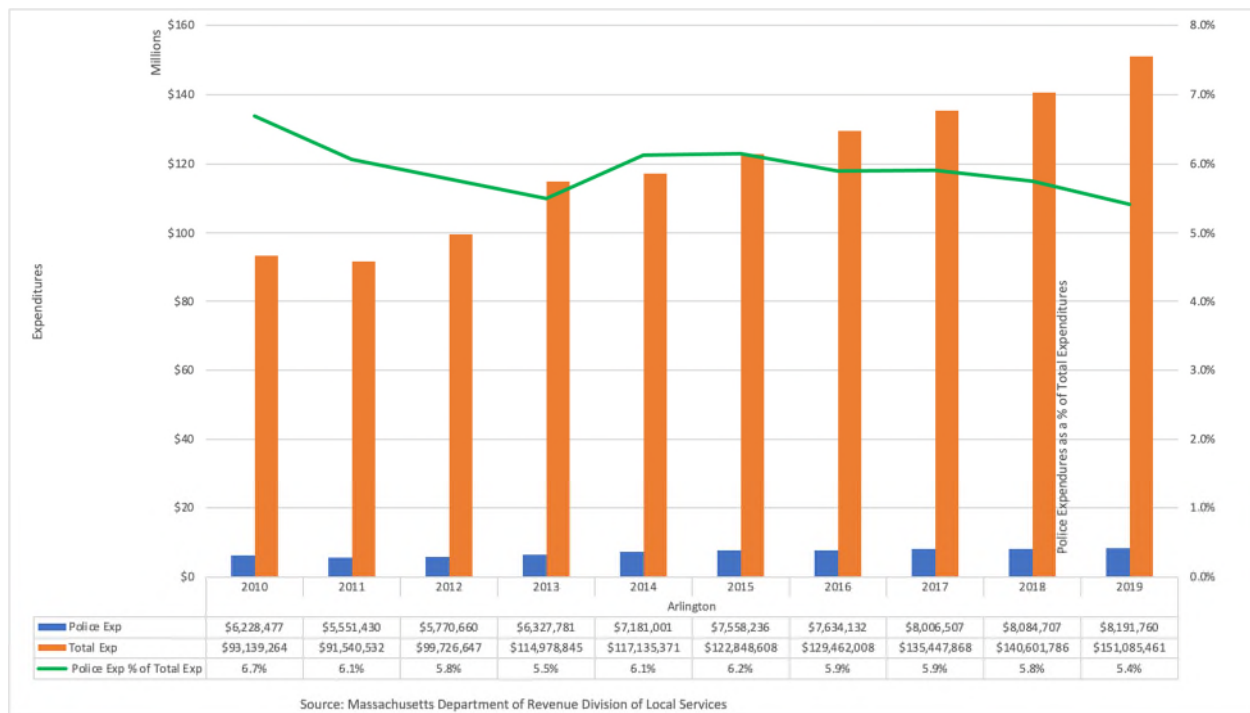
The Police budget, at \$8.5 million (FY 21), is the town's 6th largest budget, after the Education (\$75.5 million), Capital (\$16.2 million), Insurance (\$18.8 million), Retirement (\$13.2 million), and Public Works and Facilities (\$12.3 million) budgets.⁴

The Police budget has increased on average 3.15% each year for the past 10 years, less than the 3.25-3.5% cap that the Town Manager has placed on all operating budgets in keeping with commitments made to voters in override campaigns during that period.

The chart below shows Police expenditures in Arlington compared to the Town's total expenditures from FY 2010 – FY 2019. APD's expenditures increased by approximately 32% over that time period but the Town's total expenditures increased by 62%. As a result, the APD's share of overall Town expenditures has actually decreased from 6.7% in FY 2010 to 5.4% in FY 2019.

³ The subcommittee understands that most of the Somerville police department is CIT trained.

⁴ This does not include the Water & Sewer Enterprise Fund budget at \$22.9 million. The 7th and 8th next largest budgets are the Fire budget at \$7.7 million and the Minuteman Regional School budget at \$6.1 million.

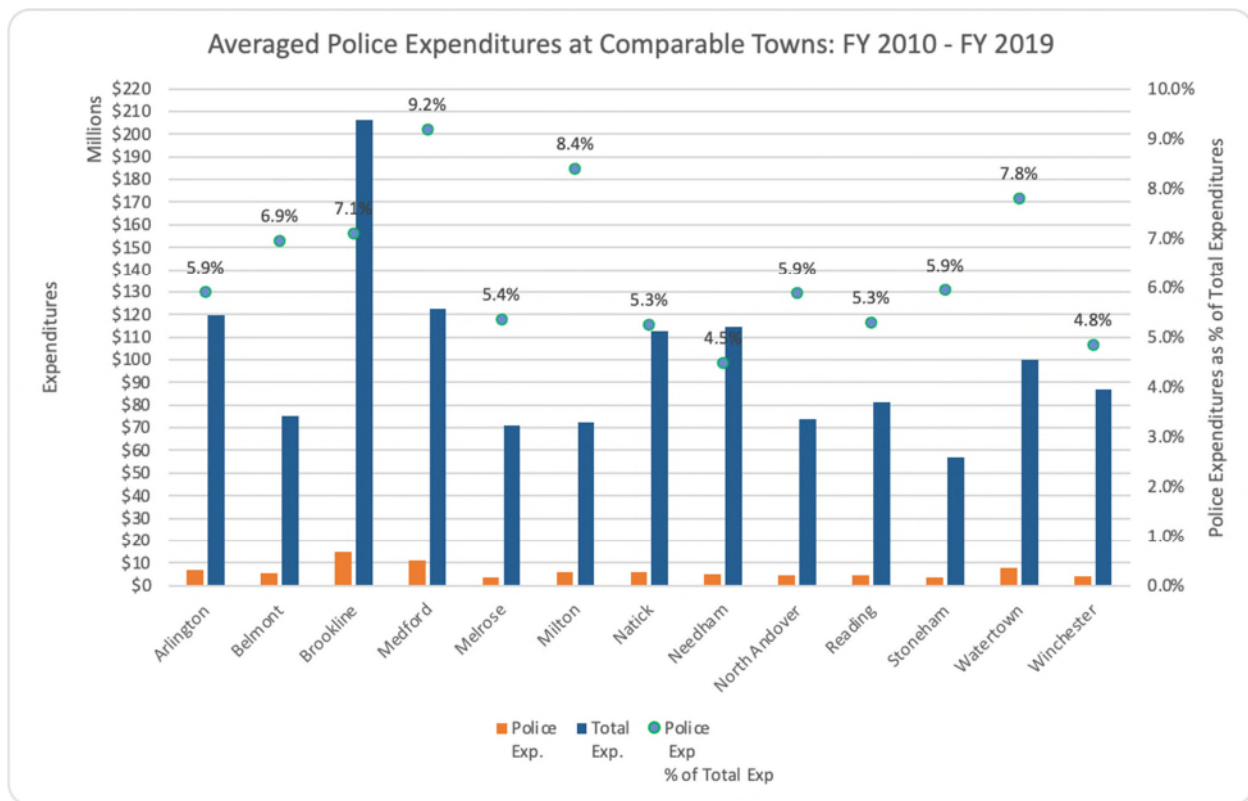


For that same 10-year period, overtime expenses for the Department increased on average 8% each year. The subcommittee determined that the major driver for this increase has been vacancies in budgeted positions, which are difficult to fill given the constraints of civil service as well as the candidates' own ability to successfully complete police academy training. Additionally, there have been several absences due to injuries or illnesses, requiring positions to be backfilled.⁵ Given minimum staffing requirements, it may be difficult to reduce overtime costs without filling positions.

Arlington ranks 12th out of 14 comparable communities in terms of per capita spending on police services.

Based on Commonwealth DOR Division of Local Services data averaged from FY 2010 – FY 2019, Arlington ranked 4th highest out of 13 comparable communities for police expenditures but 7th highest when comparing the police department's share of total expenditures in each community.

⁵ Overtime expenses are also incurred when extra patrols or investigations require it.



Number of Employees in the Department

Over the course of the past 10 years, the total number of positions budgeted in the police department has not increased dramatically. From FY 2011, the Department gained 1 captain, 1 lieutenant, 2 sergeants and 2 patrol officers.⁶ During the same time, the Department saw some reductions in the parking control officer and senior clerk positions.

Perhaps the most significant change in personnel has been the creation of a full-time social worker position. (See discussion of the Jail Diversion Program below).

Arlington ranks 11th out of 13 comparable communities in terms of the number of police department employees per capita. It ranks 7th out of 13 in the number of patrol officers employed on a per capita basis.

Capital Budget

Vehicles

The Department has 13 marked cruisers (including one prisoner transport vehicle, which is not included in the department's established replacement schedule). The Department also has 11

⁶ As a result of a reorganization of the Community Safety budget in FY 14, the salaries of the police chief and administrative and support staff, including dispatchers, were moved into the police department budget.

unmarked cars; 2 “drug cars” used by the Drug Enforcement Unit; 4 Harley Davidson motorcycles; 1 Smart traffic car; 1 animal control vehicle; and 2 utility trailers.

Marked cruisers are in constant use 24/7/365. The Department’s practice is to replace these vehicles every three years. This has been the Department’s practice for 25 years, although for a brief period during Chief Ryan’s tenure there was an effort to extend the replacement period to every 4-5 years. However, the Department found that doing this increased the frequency of vehicles being out of service which then degraded response time, increased repair costs, and reduced vehicle trade-in value. Consequently, the Department reverted to its established practice of replacing cruisers every 3 years.

The Department’s Master Mechanic believes that it is the practice of most police departments in New England to replace their vehicles every 3 to 4 years.

The Department’s unmarked cars, which are not used as much as marked cruisers, are kept longer than 3 years.

At this time, a reliable fully electric police-certified vehicle is not available for purchase. The Department anticipates revisiting the idea of purchasing an electric vehicle in 2022. The Department will not commit to purchasing an electric vehicle unless it is satisfied that such a vehicle can reliably serve the Arlington community.

Vests

Every officer is issued a level 2 or 2a vest while in the academy. Each officer is responsible for caring for the vest. The vests are replaced every 5 years in accordance with the Massachusetts Police Accreditation Commission and National Institute of Justice guidelines, as well as manufacturer recommendations.

All officers are required to wear their vest whenever they are in uniform. The type of vest employed in Arlington is not a “military-styled” vest, but rather a more discreet vest that blends in with the officer’s uniform. This type of vest is commonly used in departments throughout New England, but is less common in the rest of the country.

The written vest policy was adopted by both unions and has allowed the Department to be eligible for grant money from the federal Department of Justice.

In addition to an officer’s personal vest, each marked vehicle is equipped with a level 3 ballistic vest, which is intended for use when the threat is greater than normal. Such vests would be worn in situations where officers are responding to active shooters or where the community is threatened with high-powered weapons. These vests are also replaced every 5 years in accordance with established guidelines.

Firearms

The Department does not have a written firearm replacement policy. Firearms are replaced every 10 years in accordance with both the manufacturer's recommendations and national standards.

The Department is currently issuing Glock 45s to officers, as recommended by the FBI.

The Department also has 6 .223 long rifles; 3 shotguns; 3 "beanbag" shotguns; and 2 smooth bore 410 shotguns ("varmint rifles"). None of these are military grade or have any specialized modifications.

Patrol rifles and shotguns are stored in marked vehicles in a locked rack. They are deployed only when an officer needs to create distance between the threat and the officer, such as in an active shooter situation, a bank robbery, or a hostage situation. The less lethal firearms are also stored in locked racks in marked vehicles and are also deployed to keep distance between the threat and the officer or community. An example would be when there is an armed person with a knife. All officers are trained in de-escalation techniques. The varmint guns are obviously used only for the purpose of euthanizing sick or injured animals.

Military Equipment

The Department does not participate, and has never participated, in the 1033 Program (which transfers excess military equipment to civilian law enforcement agencies). It does not have armored vehicles, military grade firearms, grenades or explosives, or any other type of military equipment. The Department does own 6 ballistic helmets that were purchased 30+ years ago but have not been deployed in the last 25 years or perhaps, ever. The Department does not have or use "stun guns" or tasers.

To the extent the Town ever needs military-grade equipment, heavy arms, or other such equipment in an extreme emergency, they are available to the Town as a member of the Northeastern Massachusetts Law Enforcement Council, discussed below.

Partnerships and Other Resources Available to the Department.

The Department applies for and has received the state's 911 Support and Incentive Grant. This grant can be used for equipment and other support related to the 911 call center. The Department has also applied for and received the state's 911 Training Grant which supplements the yearly required dispatch certifications and trainings.

The Department has a full-time police officer assigned to a task force within the Drug Enforcement Administration and the Federal Bureau of Investigation. The Department is reimbursed approximately \$18,000 for each officer to supplement any overtime the officers are required to work.

In return, the Department benefits from the resources received by both agencies. As part of the FBI Task Force, the Town takes advantage of trainings offered at no cost. The FBI recently came to Arlington and provided Alert Active Shooter Training, which saved thousands of dollars for the Department. In addition, the Department has taken advantage of other resources from the FBI, including personnel and equipment. For example, the FBI recently provided equipment, at no cost, to the Town to ensure the security of outside ballot boxes. The FBI has also assisted in the Department's investigation into the Human Trafficking of employees of massage parlors and spas in town.

As part of the DEA Task Force, the Town receives a percentage of all asset forfeitures when the Arlington officer assigned to the task force is involved. The Department also takes full advantage of all investigatory personnel and equipment made available by the Task Force to assist the Department in any drug investigations in town. According to Chief Flaherty, Arlington is seen as a leader in the fight against opioids and depends on this task force for assistance in that fight.

Arlington is also a member of the Northeastern Massachusetts Law Enforcement Council (NEMLEC), a consortium of police departments in Middlesex and Essex Counties, including the two County Sheriff's Departments. Members share resources and personnel, thereby collectively providing services and equipment to each other than might not be available to one agency. This means that officers from NEMLEC's many agencies can be made available to other communities during an emergency or an event that requires police services beyond what local police may have. NEMLEC coordinates this sharing of personnel and resources. Responding officers that report to provide mutual aid are under the complete control of, and follow all commands given by, the local chief of the department that requests services.

Arlington has 4 officers who are part of NEMLEC and have different functions within their assignments. For example, one officer provides support services for the NEMLEC communication van. Another officer is part of the motorcycle unit and responds to callouts for assistance with funerals, parades, and other large-scale events. The Department recently called the motorcycle unit out for assistance with the AHS Caravan Graduation Ride. They were able to provide assistance with traffic as the Department did not have the personnel available to provide safe temporary road closures. They also provided an escort and traffic assistance for a missing POW who was returned home to Arlington and laid to rest after 65 years last summer.

NEMLEC also has a SWAT team and Rapid Response Team that assist with critical incidents and are available for missing person searches (including children or elderly who have wandered off). They have also assisted with road closures for Arlington's Patriots Day Parade and Town Day. They are available to assist with critical incidents involving barricaded persons, high risk warrants service and hostage situations. Arlington, like most communities, does not have the personnel, training or equipment to handle critical incidents such as these on its own. Being a NEMLEC member gives the APD full access to all the organization's resources which saves the Town from having to provide specialized training and purchase expensive equipment that is likely rarely needed.

Pressures/Constraints/Stressors

Crime

For the 11-year period from 2009 to 2019, the number of Part 1 Crimes⁷ in Arlington declined dramatically by over 49% (634 to 322).

Many of the calls for services (CFS) do not involve crimes. Over 20% of the CFS are for medical assistance, including mental illness, as well as for issues related to homelessness. Over 11% of the CFS are in response to motor vehicle crashes or parking complaints. Neighbor disputes and disturbances account for 3.5% of the CFS. Animal control responds to 3% of the CFS.

The Department employs an in-house crime analyst, who is also a part-time dispatcher. The analyst can search a database to track past crime reports, although this is a time-consuming task. The subcommittee was provided with a map showing where a year's worth of 911 calls originated. Of these 1,111 calls received, approximately 23% originated in Sector 5 (roughly, the northwest Turkey Hill area), another 23% originated in Sector 3 (the Morningside/Stratton area), 16.7% originated in Sector 6 (the Park Circle/Poets Corner area), 13.7% originated in Sector 1 (East Arlington, north of Mass. Ave); 13% originated in Sector 2 (East Arlington/Spy Pond area); and 10.5% originated in Sector 4 (Menotomy Rocks area).

According to the Department, the most significant crime trend being detected now are scams, including identity theft.

COVID-19

Since March 2020, the Department has spent approximately \$65,000 on personnel and operating expenses related to the COVID-19 pandemic. This includes the purchasing of PPE, cleaning services and other costs associated with the Family Cares Act and needed quarantines.

Because of the closure of courts and the reliance on videoconferencing for arraignments, the Department experienced an increase in the amount of time offenders were in custody. Consequently, officers were encouraged not to make arrests where possible and, instead, to issue summonses to offenders to appear in court. Arrests continue to be made for serious crimes, warrants and all domestic-related assault and batteries.

Community Policing Issues.

Community Programs

The Department is actively engaged in a number of community programs, including Rape Aggression Defense classes, "Coffee with a Cop", the Arlington Citizens Police Academy, youth programs, and more. The reader can refer to the Town's [Annual Report](#) or the [APD's website](#) for more information about this additional work that officers do for the town.

⁷ This includes such serious crimes as murder, rape, robbery, aggravated assault, burglary, larcenies, and arson.

Social Worker and the Jail Diversion Program

The Department created the Jail Diversion Program in 2010 to create alternatives to arrest and jail detention for individuals who could benefit from mental health, substance abuse or other social services. At the time, this was a unique program that other departments across the country have since adopted.

Previously, officers were forced to either transport the individual to the nearest hospital emergency room or take the individual into custody for a minor criminal offense. Now, with the Jail Diversion Program, a social worker joins officers on mental health-related calls as a co-response team. The social worker assists in stabilizing the scene by utilizing de-escalation techniques and providing victim assistance, while the officers focus on maintaining a safe, secure scene. At the scene, the team determines the best approach to the individual. If a crime has been committed, an assessment is made as to whether the individual is appropriate to divert from arrest into treatment. If diverted, or if no crime has been committed, the social worker works with the individual to identify needs, connect the person to hospital or community-based treatment and arranges for continued follow-up.

Since 2010, the program has been expanded to include a Hoarding Team, a nationally recognized Opiate Overdose Outreach Initiative, and a Homeless Outreach Team. The Department's Jail Diversion Program has been nationally recognized by the Justice Center Council of State Governments as one of ten Law Enforcement Mental Health learning sites; police departments from around the country come to Arlington to learn about its program.

Given the success of the program and the continuing community need for such services 24/7/365, the Police Chief has expressed a desire to add an additional social worker to the Department.

Review of Potential Liabilities.

Use of Force

The Department has an extensive and detailed written Use of Force policy, including hand control. Officers who use force are required to file a "use of force report" immediately with their supervisor. At the end of the year, all "use of force reports" are reviewed by a Committee on Use of Force.

In the past 5 years (including 2020 to-date), there were, on average, 5 "use of force reports" filed each year. The majority of these events involved hand control. For 2020 to-date, there have been 5 "use of force reports" filed. Of those 5, 4 involved hand control and of those 4, 3 involved encounters with individual with behavioral issues.

Within at least the past 10 years, there have been **no** complaints alleging excessive use of force by any officer of the Department.

Bias and Discrimination

Within at least the past 5 years, the Department has received only **2** complaints of bias by officers. The first, which occurred approximately 5 years ago, was investigated and determined to be unfounded. The investigation of the second complaint filed in February 2020, is ongoing. The Department is continuing to work with the Human Rights Commission to resolve that matter.

ARLINGTON SPECIAL TOWN MEETING

Article 6 – Amendment

I move to amend the recommended vote of the Arlington Select Board under Article 6 as follows:

Under Section 1A, by striking:

“fifteen (15) members; two (2) of whom shall be non-voting, ex-officio members, and thirteen (13) of whom shall be voting members” and substituting with the following: “fifteen (15) members; four (4) of whom shall be non-voting, ex-officio members, and eleven (11) of whom shall be voting members”


And, under subsection ii of Section 1A, deleting the following:

“The Chief of Police or their designee; and The Diversity, Equity & Inclusion Coordinator or their designee”

And, under subsection i of Section 1A, adding:

“The Chief of Police or their designee; and The Diversity, Equity & Inclusion Director or their designee.” after “The Town Counsel or their designee” and making grammatical changes to appropriate place the “and;” in this section.

Respectfully submitted,


Christa Kelleher,
Town Meeting Member
Precinct 5

November 9, 2020

Arlington Special Town Meeting — Motion to Amend

ARTICLE NO. 6

Dated: Nov 13, 2020

I, Elizabeth Dray, do hereby submit the following Motion to Amend Article #6 as follows:

VOTED

following the words One (1) graduate of the Citizens Police Academy, to be appointed by the

strike the words

Chief of Police, based on the recommendation of the program coordinator;
and **insert the words:**

Director of Diversity, Equity & Inclusion or their designee.

Following the words: Appointing authorities shall

strike the words: be encouraged to
and

following the word Arlington, **insert the words:**

and to include at least one representative with prosecutorial or legal defense experience regarding police arrests or detainment, especially with regard to disadvantaged populations.

Respectfully submitted,

Signed:

Elizabeth Dray

Precinct 8



Rationale

Proposed language changes strengthen the stipulation that ensures that study committee members represent the diverse experiences and perspectives found in Arlington and/or have legal expertise in the subject that the committee will study.

Date Voted: _____

Action Taken: _____



Town of Arlington, Massachusetts

ARTICLE 7

Warrant Article Title:

VOTE/BYLAW AMENDMENT/ENVISION ARLINGTON UPDATED LANGUAGE

Warrant Article Text:

To see if the Town will vote to amend Title I, Article 15 to change the name of "Vision 2020" to comport with its current name "Envision Arlington;" to revise the Bylaw's articulation of "Goals" as a "Statement of Community Values" or similar term; and to modernize the "Goals" as set forth in the vote of the 1993 Town Meeting (Article 19) with more inclusive language; or take any action related thereto.

Requested by:

(Inserted at the request of the Envision Arlington Standing Committee)

Discussion:

*This articles returns to the Warrant from the 2020 Annual Town Meeting.

Envision Arlington's Standing Committee requests the foregoing updates to:

- Redefine the "Town Goals" as "value statements" in the interests of the operational clarity of their purpose and greater inclusivity;
- Updating the Town Bylaws to reflect such changes in Envision Arlington's charter vote; and
- Updating the Town Bylaws to reflect 2018 Town Meeting's vote to change the name of "Vision 2020" to "Envision Arlington," and the foregoing re-branding of "Goals" as "Statements of Community Values."

The Select Board respectfully requests Town Meeting join with the Board in supporting each and all of these measures.

Vote Language:

That the 1993 vote of Town Meeting (Article 19) as subsequently amended is hereby amended as follows:

Article 19 (1993). Town Adoption of ~~Vision 2020 Goals~~ Envision Arlington Statements of Community Values

To see if the Town will vote to accept, endorse and adopt the following nine vision statements as statements of our community values ~~goals for the Town~~; or take any action related thereto.

The ~~Goals~~ Statements are:

Article 1. ~~Community and Citizen Service~~

We value Arlington's geographic neighborhoods, common interest groups, and the sense of community in our Town. We value an active and compassionate citizenry volunteers and programs delivering services in our community. We will be known for the vitality of our neighborhoods and as a community of people helping others.

Article 2. Diversity, Equity and Inclusion

We value the diversity of our population. Our Town's mix of ethnic, religious and cultural backgrounds, as well as economic and personal circumstances, enriches us. We will be known for the warm welcome and respect we extend to all.

Article 3. Education

We value learning for all Arlington ~~residents~~ citizens. We are responsible as a community for educating our youth and providing all ages with opportunities for educational growth. We will be known for demonstrated excellence in public education and our commitment to life-long learning.

Article 4. The Environment and Sustainability

We value the physical beauty and natural habitats of our Town – parks, ponds and wetlands, dramatic vistas and tree-lined streets – as they contribute to the well-being of our community. Recognizing the fragility of our natural resources, we must ensure that Arlington’s residential areas, commercial centers, and infrastructures are developed in harmony with environmental concerns. We will be known for our commitment to the preservation of Arlington’s beauty, limited open space and resources, as well as our place in the regional and global community.

Article 5. Culture & Recreation

We value the many opportunities to meet, play, and grow in Arlington while treasuring and preserving our unique historical resources. Our social, cultural, artistic, historic, athletic, recreational, and other community groups strengthen Town life. We will be known for the breadth and richness of our resources and activities available to Arlington ~~residents~~ citizens.

Article 6. Communication

We value public dialogue. Communication and information-sharing build trust. Our goals are true openness and accountability. Arlington will be known as a community that thoughtfully searches beyond divisive issues for the opportunities that bind us together.

Article 7. Fiscal Resources

We value Arlington’s efficient delivery of public services providing for the common good. The benefits from these services and the responsibility of taxation will be equitably distributed among us. We will be known for our sound fiscal planning and for the thoughtful, open process by which realistic choices are made in our Town.

Article 8. Governance

We value our representative Town Meeting system and the community spirit it fosters. Participatory governance is both responsive and innovative. We will be known as a community where government provides effective and efficient services, insures open two-way communication, promotes the lively exchange of ideas, and encourages active citizen participation of all residents.

Article 9. Business

We value Arlington’s diverse and accessible mix of merchants and service providers. We will be known for our vibrant, attractive commercial centers supporting the primarily residential and historic character of the Town.

AND FURTHER VOTED: That the Town hereby accepts, endorses and adopts the nine “vision statements” set forth in Article 19 of the 1993 as “statements of our community values,” in place of “goals for the Town.”

AND FURTHER VOTED: That Title I, Article 15 (“Consideration of Vision 2020 Goals”) of the Town Bylaws is hereby amended by replacing the term “Vision 2020” with “Envision Arlington” and replacing the term “Goals” with “Statements of Community Values” throughout so as to read as follows:

ARTICLE 15 CONSIDERATION OF ~~VISION 2020~~ ENVISION ARLINGTON GOALS STATEMENTS OF COMMUNITY VALUES

(ART. 19, ATM – 05/05/93)

All Town officials including, but not limited to the Select Board, Town Manager, School Committee, and Superintendent of Schools shall consider the Goals of ~~Vision 2020~~ Envision Arlington Statements of Community Values as delineated in Article 19 of the 1993 Annual Town Meeting, or as same is subsequently amended by any future town meeting, in establishing their respective policies and in performing their various public functions.

(5 – 0)

Select Board Report



Town of Arlington, Massachusetts

ARTICLE 8

Warrant Article Title:

ACCEPTANCE OF LEGISLATION/BYLAW AMENDMENT/MUNICIPAL AFFORDABLE HOUSING TRUST FUND

Warrant Article Text:

To see if the Town will vote to accept Massachusetts General Laws c. 44 § 55C, to authorize the creation of a Municipal Affordable Housing Trust Fund to support the development of affordable housing in Arlington, establish a new bylaw for the administration of same; or take any action related thereto.

Requested by:

(Inserted by the Select Board)

Discussion:

*This article returns to Town Meeting from the 2020 Annual Town Meeting Warrant, with further hearings and discussion.

The Select Board strongly recommends that Town Meeting vote to join 117 Massachusetts cities and towns in establishing a municipal affordable housing trust fund ("AHTF") by voting to accept G.L. c. 44 § 55C and also establish a new Town bylaw that creates a Board of Trustees and set forth the basic parameters, powers, and requirements of an Arlington Affordable Housing Trust. Specifically, the Board recommends the vote and bylaw that has been thoughtfully developed, adjusted, and recommended by the Housing Plan Implementation Committee and the Finance Committee, so that like our neighbors in Winchester and Belmont, Arlington may avail itself of an additional, complementary, and flexible tool to execute the Town's larger affordable housing goals, but tailored to Arlington's substantive and operational needs and practices.

Once approved, an Affordable Housing Trust Fund ("AHTF") is charged with the support, creation, and maintenance of affordable housing through a variety of mechanisms. It may receive funds through donations, grants, appropriations, and other special sources of revenue, and it may expend such resources through its Board of Trustees without a lengthy approval process, which is often necessary to take advantage of affordable housing opportunities, or to safeguard affordable units from becoming market rate units within short time frames. For example, the Trust can act to acquire a parcel or unit for affordable housing purposes as they become available without having to line up with the Town Meeting cycle or requesting the Board call a Special Town Meeting, so long as it has sufficient resources to take such actions in the Trust. To assure responsible management, the Finance Committee recommended, and this Board concurs that several measures be included in the bylaw to maintain this flexibility while also implementing additional checks and balances. Any borrowing by the Trust would also require the approval of the Select Board. Borrowing is also limited in scope relative to the total assets of the Trust (80 percent of the Trust's assets). Further, any debt of the Trust is not a debt that can be attributed to, or collected from the larger Town.

The Board notes that Town Meeting previously declined to adopt and create an AHTF because the Town had not yet accepted the Community Preservation Act. The CPA now having been adopted, the Board concurs with the finding and recommendation of the Housing Plan Implementation Committee that an AHTF greatly assists in leveraging CPA affordable housing funds to maximum effect.

Finally, the Board advises that there are a variety of steps after the creation of the Trust and its Board of Trustees that afford both opportunities for community and stakeholder engagement on identifying the Trust's priorities, and further development of technical rules and regulations of the Trust. Among these steps will be the creation of an annual (or longer-term) "Trust Action Plan," to set forth the Trust's targets and strategies to

achieve Housing Production Plan and other Town affordable housing goals in light of its resources for such time period. If the Trust is approved by Town Meeting, this Board hopes that the Board of Trustees will prioritize low-income housing maintenance and opportunities, understanding that there are a broad range of needs and means of achieving them and further that conditions and priorities may change over time.

The Finance Committee has reviewed Article 8 and made recommendations to tighten controls to protect the financial position of the Town which the Select Board has accepted.

Vote Language:

That the Town hereby accepts Chapter 44 § 55C of the General Laws to authorize the establishment of a municipal affordable housing trust for the Town of Arlington;

AND FURTHER VOTED, that the Town Bylaws, Title II: "Committees and Commissions" be and hereby is amended to add a new article as follows:

Article 14. AFFORDABLE HOUSING TRUST FUND & BOARD OF TRUSTEES

Section 1. Name of the Trust

The Trust shall be called the "Arlington Affordable Housing Trust Fund."

Section 2. Purpose

The purpose of the Trust shall be to provide for the preservation and creation of affordable housing in the Town of Arlington as defined by the Arlington Zoning Bylaw for the benefit of households earning at or below 80 percent area median income.

Section 3. Board of Trustees

A. Composition. There shall be a Board of Trustees ("Trustees") of the Arlington Affordable Housing Trust Fund composed of one ex officio non-voting member and seven voting members. The Town Manager or the Town Manager's designee shall serve as the ex officio member. The voting members shall include: a member of the Select Board (designated by the Select Board) and six members appointed by the Select Board. The voting members shall be residents or representatives of local housing organizations who may have relevant experience in the fields of real estate, housing, banking, finance, law, architecture, social services, or other areas of expertise applicable to advancing the purpose and goals of the Trust. Of the Select Board appointees, at least one shall be a tenant who earns a low- or moderate-income, and resides in subsidized housing units as defined by G.L. c.40B or who receives state- or federally-sponsored rental subsidies and demonstrates knowledge of tenant issues, and at least two shall be representatives of local housing organizations such as a housing authority or housing corporation dedicated to the creation and maintenance of affordable housing.

B. Appointment of Trustees. Trustees shall serve for a term of two years, except that two of the initial Trustee appointments shall be for a term of one year, and may be re-appointed at the discretion of the Select Board.

C. Officers. The Trustees shall designate a chair, vice chair, treasurer, and clerk.

D. Removal. A Trustee may be removed by the Select Board for cause following a hearing.

E. Declaration of Trust. The Trustees are authorized to execute a Declaration of Trust and Certificate of Trust for the Arlington Affordable Housing Trust Fund, to be recorded with the Middlesex South Registry of Deeds and filed with the Middlesex South Registry District of the Land Court, following approval by the Select Board.

F. Trustees shall serve without compensation, except for expenses which shall receive prior approval from the comptroller.

G. Authority and Responsibilities.

1) The powers of the Trustees, all of which shall be carried on in furtherance of the purposes set forth in G.L. c.44, §55C, and inclusive of any future amendments, and pursuant to the provisions of a Declaration of Trust to be approved by the Select Board, shall include the following:

- a) To accept and receive real property, personal property or money, by gift, grant, contribution, devise or transfer from any person, firm, corporation or other public or private entity, including but not limited to money, grants of funds or other property tendered to the Trust in connection with any ordinance or by-law or any general or special law or any other source, including money from chapter 44B; provided, however, that any such money received from chapter 44B shall be used exclusively for community housing and shall remain subject to all the rules, regulations and limitations of that chapter when expended by the Trust, and such funds shall be accounted for separately by the Trust; and provided further, that at the end of each fiscal year, the Trust shall ensure that all expenditures of funds received from said chapter 44B are reported to the Arlington Community Preservation Act Committee for inclusion in the community preservation initiatives report, form CP-3, to the Department of Revenue;
- b) To purchase and retain real or personal property, including without restriction investments that yield a high rate of income or no income;
- c) To sell, lease, exchange, transfer or convey any personal, mixed, or real property at public auction or by private contract for such consideration and on such terms as to credit or otherwise, and to make such contracts and enter into such undertaking relative to Trust property as the Trustees deem advisable notwithstanding the length of any such lease or contract;
- d) To execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases, grant agreements and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the Trustees engage for the accomplishment of the purposes of the Trust;
- e) To employ advisors and agents, such as accountants, appraisers and lawyers as the Trustees deem necessary;
- f) To pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the Trustees deem advisable;
- g) To apportion receipts and charges between incomes and principal as the Trustees deem advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation depletion or otherwise;
- h) Beginning in the fiscal year ending on June 30, 2023, all non-incidental expenses incurred by the Town, as determined by the Town Manager, shall be reimbursed by the Trust.
- i) The Trust shall carry sufficient insurance, as determined by the Town Manager, to protect the Town from any liability resulting from their operations.
- j) To participate in any reorganization, recapitalization, merger or similar transactions; and to give proxies or powers of attorney with or without power of substitution to vote any securities or certificates of interest; and to consent to any contract, lease, mortgage, purchase or sale of property, by or between any corporation and any other corporation or person;
- k) To deposit any security with any protective reorganization committee, and to delegate to such committee such powers and authority with relation thereto as the Trustees may deem proper and to pay, out of Trust property, such portion of expenses and compensation of such committee as the Trustees may deem necessary and appropriate;
- l) To carry property for accounting purposes other than acquisition date values;
- m) With Select Board approval, to borrow money on such terms and conditions and from such sources as the Trustees deem advisable, to mortgage and pledge Trust assets as collateral. Any borrowing by the Trust may not exceed 80 percent of the Trust's total assets. Any debt incurred by the Trust shall not constitute a pledge of the full faith and

credit of the Town of Arlington, and all documents related to any debt shall contain a statement that the holder of any such debt shall have no recourse against the Town of Arlington, with an acknowledgement of said statement by the holder

n) To make distributions or divisions of principal in kind;

o) To comprise, attribute, defend, enforce, release, settle or otherwise adjust claims in favor or against the Trust, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of this act, to continue to hold the same for such period of time as the Trustees may deem appropriate;

p) To manage or improve real property and to abandon any property which the Trustees determine not to be worth retaining;

q) To hold all or part of the Trust property uninvested for such purposes and for such time as the Trustees may deem appropriate; and

r) To extend the time for payment of any obligation to the Trust.

2) The powers and duties enumerated above are intended to encompass all powers and duties of the Trustees. Any action, power or duty not enumerated above shall require prior approval of the Select Board.

Section 4. Acts of Trustees

A. A majority of Trustees may exercise any or all of the powers of the Trustees hereunder and may execute on behalf of the Trustees any and all instruments with the same effect as though executed by all the Trustees, with the exception that any purchase, sale, lease, exchange, transfer or conveyance of any interest in real property, borrowing, and mortgaging and pledging of assets must be approved by at least two-thirds of the appointed Trustees.

B. No Trustee shall be required to post bond.

C. No license of court shall be required to confirm the validity of any transaction entered into by the Trustees with respect to the Trust Estate.

D. Any purchase, sale, lease, exchange, transfer or conveyance of any interest in real property, borrowing, and mortgaging and pledging of assets must be approved by a majority of the Select Board.

Section 5. Funds Paid to the Trust

Notwithstanding any general or special law to the contrary, all moneys paid to the Trust in accordance with any zoning bylaw, exaction fee, or private contribution shall be paid directly into the Trust and need not be appropriated or accepted and approved into the Trust. General revenues appropriated into the Trust become Trust property and these funds need not be further appropriated to be expended. All moneys remaining in the Trust at the end of any fiscal year, whether or not expended by the Trustees within one year of the date they were appropriated into the Trust, remain Trust property set forth in G.L. c.44, §55C. All funds, property and other assets shall be accounted for by the comptroller of the Town of Arlington who shall issue quarterly reports to the Trustees, Select Board, Town Manager and the Finance Committee and an annual report to the Town Meeting.

Section 6. Meetings of the Trust

The Trust shall meet at least quarterly at such time and at such place as the Trustees shall determine. Notice of all meetings of the Trust shall be given in accordance with the provisions of the Open Meeting Law, G.L. c. 39, §§ 23A, 23B and 23C. A quorum at any meeting shall be a majority of the Trustees qualified and present in person.

Section 7. Custodian of Funds

The Arlington Treasurer/Collector shall be the custodian of Trust's funds and shall maintain separate accounts

and records for such funds. Any income or proceeds received from the investment of funds shall be credited to and become part of the Trust Fund. In accordance with G.L. c. 44, § 55C, the books and records of the Trust shall be audited annually by an independent auditor, appointed by the Select Board, in accordance with accepted accounting practices or take any other action relative thereto. Upon receipt of the audit by the Trustees, a copy shall be provided forthwith to the Select Board. The Trustee designated as treasurer shall also liaise with the custodian of the funds on a monthly basis.

Section 8. Legal Status

- A. The Trust is public employer and the Trustees are public employees for the purposes of G.L. c. 258.
- B. The Trust shall be deemed a municipal agency and the Trustees special municipal employees for the purposes of G.L. c. 268A.
- C. The Trust is exempt from G.L. c. 59 and 62, and from any other provisions concerning payment of taxes based upon or measured by property or income imposed by the Commonwealth or any subdivision thereto.
- D. The Trust is a governmental body for purposes of Sections 23A, 23B and 23C of G.L. c. 39.
- E. The Trust is a board of the Town for purposes of G.L. c. 30B and G.L. c. 40 § 15A but agreements and conveyances between the Trust and agencies, boards, commissions, authorities, departments and public instrumentalities of the town shall be exempt from said Chapter 30B.

Section 9. Duration of the Trust

This Trust shall be of indefinite duration, until terminated in accordance with applicable law. Upon termination of the Trust, subject to the payment of or making provisions for the payment of all obligations and liabilities of the Trust and the Trustees, the net assets of the Trust shall be transferred to the Town and held by the Select Board for affordable housing purposes. In making any such distribution, the Trustees may, subject to the approval of the Select Board, sell all or any portion of the Trust property and distribute the net proceeds thereof or they may distribute any of the assets in kind. The powers of the Trustees shall continue until the affairs of the Trust are concluded.

(5 – 0)

In addition: That the Finance Committee supports the recommendation of the Select Board.

Select Board Report

Finance Committee Report

Watch the Video Presentation

ATTACHMENTS:

Description	Type	File Name
▣ Amendment- J. Gersh	Reference Material	STM_Article__8_Amendment_Motion_Gersh.pdf
▣ Amendment 1- K. Kelleher	Reference Material	Substitute - _Amendment_Motion_STM_Article_8__KKelleher.pdf
▣ Amendment 2- K. Kelleher	Reference Material	STM_Article_8_KKelleher_Amendment_Memo.pdf

TOWN OF ARLINGTON

Special Town Meeting November 2020

Article 8 – Amendments to Affordable Housing Trust Fund Bylaw

Proposed by Select Board

I move to amend the recommended vote of the Select Board establishing a bylaw for an Affordable Housing Trust Fund under Article 8 as follows

1. In Section 2. Purpose – strike out the words *80 percent area median income* and insert in place thereof **60 percent area median income for rentals and 80 percent area median income for purchases** so that the sentence will read as follows: The purpose of the Trust shall be to provide for the preservation and creation of affordable housing in the Town of Arlington as defined by the Arlington Zoning Bylaw for the benefit of households earning at or below 60 percent area median income for rentals and 80 percent area median income for purchases.
2. In Section 3. Board of Trustees, subsection A, third sentence - strike out the word *or* and insert in place thereof the word **including** so that said sentence will read as follows: The voting members shall be residents including representatives of local housing organizations who may have relevant experience in the fields of real estate, housing, banking, finance, law, architecture, social services, or other areas of expertise applicable to advancing the purpose and goals of the Trust.
3. In Section 3. Board of Trustees, subsection G., part 1. Item b) – add the following words: **provided that no funds of the Fund shall be used in connection with any project developed under G.L. Ch. 40B**, so that said item shall read as follows: b) To purchase and retain real or personal property, including without restriction investments that yield a high rate of income or no income, provided that no funds of the Fund shall be used in connection with any project developed under G.L. Ch. 40B.

Respectfully submitted

A handwritten signature in cursive script that reads "Jon Gersh".

Jon Gersh

Town Meeting Member, Precinct 18

November 16, 2020

Comments

1. As amended this section would correctly paraphrase the definition of Affordable Units as found in Section 2, Definitions, of the Arlington Zoning Bylaw.
2. The members who approve the spending of Town funds should all be residents of the Town.
3. Exploitive developers use state law 40B to avoid Arlington's zoning bylaws, including building in wetlands and cannibalizing our scarce industrial areas. No Town funds should be used to support such projects.

Arlington Special Town Meeting — Motion to Amend

ARTICLE NO. 8

Dated: 11/16/20

I, Karen E. Kelleher, do hereby submit the following Motion to Amend Article 8:

VOTED:

To amend the recommended vote of the Select Board, to modify the proposed new Article 14 of Title II of the Town Bylaws, as follows:

In **Section 2. Purpose**, strike out the body of this section and replace it with the following:

"The purpose of the Trust shall be to provide for the preservation and creation of Community Housing in the Town of Arlington, as such term is defined in Section 2 of M.G.L. c.44B, the Community Preservation Act."

Signed:



Karen E. Kelleher, Precinct 5

Date Voted: _____

Action Taken: _____

To: Town Meeting Members

From: Karen E. Kelleher, Town Meeting Member, Precinct 5

CC: John Leone, Moderator
Jennifer Raitt, Director of Planning and Community Development
Doug Heim, Town Counsel

Date: November 16, 2020

Re: **Amendments Relating to Article 8 – Municipal Affordable Housing Trust Fund**

Attached please find an amendment I proposed today in connection with Article 8. I note that I am a member of the Housing Production Plan Implementation Committee and participated in the preparation of the draft bylaw that would govern the Affordable Housing Trust. But this amendment offers an alternative to the amendment put forth by Mr. Gersh, and I propose it in my individual capacity.

Having reviewed Mr. Gersh's recently proposed amendments to this bylaw, I believe he identified an area of potential confusion in the purpose section of the proposed bylaw. I wish to propose an alternative way to clarify that language. Rather than refer to the zoning bylaw language, I propose to refer to the definition of affordable housing set forth in the Community Preservation Act (CPA) – a flexible definition which already governs certain Town investments in affordable housing. This will also foster alignment between the Trust and the CPA Committee. A copy of the relevant CPA definitions is attached.

This definition is a bit more flexible than the definition proposed by Mr Gersh. While the Town and the Trust will likely choose to focus its initial work on one or more key priorities, those initial priorities should be set forth in the Trust Action Plan proposed by the eventual Trustees, discussed with the public, approved by the Select Board, and updated from time to time to reflect our experience, changing market, and our new challenges, opportunities and priorities. The Bylaw itself, which will be difficult to modify going forward, should remain as flexible as possible.

With respect to Mr. Gersh's amendments, I urge you to vote no, because his third amendment, seeking to prevent the Trust from investing in properties permitted under M.G.L. c. 40B, would unduly limit the Trust's ability to achieve its mission. 40B is often used by affordable housing developers to streamline the permitting process. I believe this was the case with the Housing Corporation's Westminster Ave. project, which recently created 9 affordable rental units in Arlington. Such a development should be eligible for Trust support if needed for financial feasibility. In addition, Trust funding would give the Town leverage to negotiate for more low-income units than 40B itself would require, or to target those units to be affordable to lower income households, in a 40B project proposed by a for-profit developer.

Most importantly, I hope you will vote yes to approve the establishment of the Arlington Affordable Housing Trust Fund. But proactively creating and preserving affordable housing in any market is difficult and complicated, and deserves a full toolbox of flexible tools. Accordingly, I hope you will vote no on Mr. Gersh's amendment, and yes on this more flexible alternative.

Thank you for your consideration.

Relevant Definitions from the Community Preservation Act:

“Community housing”, low and moderate income housing for individuals and families, including low or moderate income senior housing.

"Low income housing", housing for those persons and families whose annual income is less than 80 per cent of the areawide median income. The areawide median income shall be the areawide median income as determined by the United States Department of Housing and Urban Development.

“Low or moderate income senior housing”, housing for those persons having reached the age of 60 or over who would qualify for low or moderate income housing.

"Moderate income housing", housing for those persons and families whose annual income is less than 100 per cent of the areawide median income. The areawide median income shall be the areawide median income as determined by the United States Department of Housing and Urban Development.



Town of Arlington, Massachusetts

ARTICLE 9

Warrant Article Title:

VOTE/ELECTION MODERNIZATION COMMITTEE

Warrant Article Text:

To see if the Town will vote to extend the life of the Election Modernization Committee, change its structure, objectives, or membership; or take any action related thereto.

Requested by:

(Inserted by the Select Board and at the request of the Election Modernization Committee)

Discussion:

*This articles returns to the Warrant from the 2020 Annual Town Meeting.

The Select Board urges Town Meeting's positive action on this straightforward vote to extend the life of the Election Modernization Committee to further study and recommend additional measures to improve elections in Arlington as appropriate. The reforms presented under this motion include offering all Committee members voting privileges, adding flexibility to appointing authorities, and providing a seat on the Committee for a member of the League of Women Voters and a Town resident under the age of 25.

Vote Language:

That Town Meeting hereby amends its vote on Article 36 of the 2019 Town Meeting, wherein the "Election Modernization Study Committee" was formed, by renaming the committee to the "Election Modernization Committee" and by extending the date of the Committee's dissolution to the close of the 2022 Annual Town Meeting.

Further, the committee membership shall be changed to consist of the following fifteen (15) members, all of whom shall be voting members:

- The Town Clerk or their designee;
- One member of the Board of Registrars or their designee, as determined by such Board;
- One member of the Select Board or their designee, as determined by such Board;
- The Town Moderator or their designee;
- One member of the School Committee or their designee, as determined by the Committee;
- One member of the Disability Commission or their designee as determined by the Commission;
- One representative of the Republican Town Committee;
- One representative of the Democratic Town Committee;
- Five residents to be appointed by the Town Moderator;
- One member of the Arlington League of Women Voters or their designee, as determined by that organization;
- One resident under the age of 25 to be appointed by the Select Board."

A majority of the members of the Election Modernization Committee shall constitute a quorum.

(5 – 0)

Select Board Report



Town of Arlington, Massachusetts

ARTICLE 10

Warrant Article Title:

ACCEPTANCE OF LEGISLATION/GOLD STAR FAMILY TAX EXEMPTION

Warrant Article Text:

To see if the Town will vote to accept Massachusetts General Law Chapter 59 sec. 5(22H) to provide a local option to surviving parents or guardians of members of the United States armed services who died on active duty tax exemption; or take any action related thereto.

Requested by:

(Inserted at the request of the Town Manager)

Discussion:

The Select Board recommends acceptance of this local option to provide a full property tax exemption to the parents or guardians of those persons who have died in active service in the United States Armed Services. While the number of "Gold Star" families in the Town of Arlington is modest, it is the Board's firm belief that as a community, we hold the responsibility to recognize those who gave their lives to the service of their country and help the bereaved meet their local property tax burdens in the stead of the support and love they would receive from those honorably departed.

Vote Language:

That the Town of Arlington hereby accepts G.L. c. 59 sec. 5(22H) to provide a local property tax exemption to the surviving parents or guardians of members of the United States armed services who died on active duty in service of their country.

(5 – 0)

Select Board Report



Town of Arlington, Massachusetts

ARTICLE 11

Warrant Article Title:

HOME RULE LEGISLATION/JUSTIN BROWN

Warrant Article Text:

To see if the Town will vote to request and authorize the Select Board to file Home Rule Legislation so as to enable Justin Brown, a resident of the Town, to be eligible for appointment as a firefighter in the Town of Arlington notwithstanding the fact that he has attained the age of 32; or take any action related thereto.

Requested by:

(Inserted by the Select Board at the request of Justin Brown and ten registered voters)

Discussion:

*This articles returns to the Warrant from the 2020 Annual Town Meeting. The Select Board unanimously supports Town resident Justin Brown's request for special legislation to be permitted to sit for the fire fighter civil service exam in pursuit of a position as a firefighter in Arlington. In brief, Civil Service Law (as applied in Arlington), does not ordinarily permit a candidate aged 32 or older to be appointed to the position of Firefighter. While there may be circumstances in which the Town would not be inclined to permit a potential candidate to take the exam, the Board has historically supported affording the opportunity for each applicant on his or her own merits. The exemption the Board urges Town Meeting to approve, only offers Mr. Brown only the opportunity to apply and be considered for appointment to the position of Firefighter. Mr. Brown would still be required to pass all other Civil Service prerequisites including a physical fitness examination and is not guaranteed a position. Therefore, the Board respectfully requests Town Meeting's vote in the affirmative.

Vote Language:

That the Town does hereby request and authorize the Select Board to file Home Rule Legislation to provide substantially as follows:

"AN ACT TO PERMIT TOWN RESIDENT, JUSTIN BROWN, TO TAKE THE CIVIL SERVICE TEST
FOR THE POSITION OF FIREFIGHTER IN THE TOWN OF ARLINGTON.

Section 1 Notwithstanding the provisions of any special or general law to the contrary including without limitation Chapter 31 of the General laws, the Civil Service law, Justin Brown, a resident of the Town of Arlington is authorized to take the civil Service examination for appointment to the position of Firefighter notwithstanding the fact that he has attained the age of 32. The authority under this act will expire on June 1, 2023.

Section 2 THIS ACT WILL TAKE EFFECT UPON ITS PASSAGE."

(Mr. Brown is 39 years old.)

(5 – 0)

Select Board Report



Town of Arlington, Massachusetts

ARTICLE 12

Warrant Article Title:

HOME RULE LEGISLATION/CONSOLIDATION OF TOWN MEETING MEMBER ELECTIONS

Warrant Article Text:

To see if the Town will vote to authorize and request the Select Board to file Home Rule Legislation to reform the nomination and election process for Town Meeting seats to permit the consolidation of elections of Town Meeting Members when there are vacant seats into a single election per precinct, such that the highest vote-getters win the longest available terms, to promulgate regulations to effectuate the same; or take any action related thereto.

Requested by:

(Inserted by the Select Board and at the request of the Election Modernization Committee)

Discussion:

*This articles returns to the Warrant from the 2020 Annual Town Meeting. The above-requested special legislation proposes to improve the election of Town Meeting members by amending the Town Manager Act in two ways. First, it aims to consolidate all seats within a given precinct, including vacancies, into the same competition for votes. Second, it rewards candidates who obtain the most votes regardless of which types of terms were open, a full term or the remainders of vacated seat terms. Thus, the candidates for Town Meeting who obtain the most votes in any given election would be seated for three year seats, and the successful candidate who gains the least number of votes, the shortest term available (one or two year remainders). Similar provisions exist in other town meeting communities including Lexington, and the Select Board endorses these adjustments in favor of awarding those candidates receiving the most votes the longest terms, thereby providing greater incentive to run for vacated Town Meeting seats.

Vote Language:

That the Town does hereby request and authorize the Select Board to file Home Rule Legislation to provide substantially as follows:

"AN ACT AMENDING THE TOWN MANAGER ACT OF ARLINGTON RELATIVE TO THE ELECTION OF TOWN MEETING MEMBERS"

Section 1. Chapter 503 of the Acts of 1952 (The Town Manager Act of Arlington) as subsequently amended, is hereby amended by inserting after Section 8 the following new Section 8A.

Section 8A. Election of Town Meeting

The election of the members of Town Meeting shall continue as presently provided subject to the following exception.

In the event of a vacancy or vacancies in the office of town meeting member, the Town Clerk shall determine the number of full terms and the number of unexpired terms to be filled at the annual election. The ballot shall indicate the total number of town meeting members to be elected, and the candidates shall be listed together on the ballot. The candidates receiving the highest number of votes shall be elected to the 3-year terms to be filled at the election; the candidates receiving the next highest number of votes shall be elected to the 2-year terms to be filled at the election; and the candidates receiving the next highest number of votes shall be elected to the 1-year terms to be filled at the election. In case of a tie vote affecting the division of terms, the members elected from the

precinct, including those receiving the same number of votes to gain election, shall by a precinct ballot administered by the Town Clerk, determine the division.

Section 2. This Act shall take effect upon its passage.”

(5 – 0)

Select Board Report

Election Modernization Committee Report

Watch Video Presentation



Town of Arlington, Massachusetts

ARTICLE 13

Warrant Article Title:

HOME RULE LEGISLATION/RANKED CHOICE VOTING

Warrant Article Text:

To see if the Town will vote to authorize and request the Select Board to file Home Rule Legislation to elect Town offices by Ranked Choice Voting; or take any action related thereto.

Requested by:

(Inserted by the Select Board and at the request of the Election Modernization Committee)

Discussion:

*This articles returns to the Warrant from the 2020 Annual Town Meeting. The Select Board requests Town Meeting's support for this effort to join a number of other Massachusetts jurisdictions in employing "Ranked Choice Voting" ("RCV") for Town elections, regardless of the outcome of a similar question certified for the 2020 Massachusetts Statewide Election on November 3, 2020, which would apply a similar electoral system to Massachusetts' elected state officials and races for Congress.

In summary, RCV is an electoral method by which voters rank candidates by preference rather than voting for a single candidate in each individual seat (or even multiple candidates where more than one seat is available). In a standard race for a single seat with multiple candidates, if any one candidate achieves a majority of so-called "first-preference" votes, they are the winner and the election is over. However, if there is no candidate wins a majority, rather than award the seat to a person who achieved under 50% of first-preference votes, a second tally is performed of the same ballots. Under this second tally, the candidate or candidates who received the fewest first-place votes are eliminated and the ballots that ranked them first are re-tabulated, elevating the second-preference of such voters to their first. These new tallies are conducted until any candidate has won a majority of the rank-adjusted votes. The Board believes that this electoral method rewards candidates preferred by more voters overall.

Vote Language:

That the Town does hereby request and authorize the Select Board to file Home Rule Legislation to provide substantially as follows:

"AN ACT AMENDING THE TOWN MANAGER ACT OF ARLINGTON RELATIVE TO RANKED CHOICE VOTING"

Section 1. Chapter 503 of the Acts of 1952 (The Town Manager Act of Arlington) as subsequently amended, is hereby amended by inserting a new Section 8B "Ranked Choice Voting" as follows:

Section 8B. Ranked Choice Voting

The offices of Select Board, School Committee, Town Clerk, Moderator, Housing Authority, and Board of Assessors shall be elected by ranked choice voting at the annual election. "Ranked choice voting" shall mean a method of casting and tabulating ballots in which voters rank candidates for office in order of preference. Ranked choice voting shall apply to a single-seat office only when the number of candidates exceeds two and to a multi-seat office when the number of candidates exceeds the number of seats to be elected. Ranked choice voting elections shall be tabulated in rounds as follows.

(a) For the purposes of this section, the following terms have the following meanings:

1. "Batch elimination" means the simultaneous defeat of multiple candidates for whom it is mathematically impossible to be elected.
2. "Concluded ballot" means a ballot that does not rank any continuing candidate, contains an overvote at the highest continuing ranking, or contains two or more sequential skipped rankings before its highest continuing ranking.
3. "Continuing candidate" means a candidate who has not been defeated or elected.
4. "Election threshold" means the number of votes above which a candidate is elected in a multi-seat election. It is calculated by dividing the total number of votes counting for continuing candidates in the first round by the sum of one and the number of seats to be elected.
5. "Highest-ranked continuing candidate" means the continuing candidate with the highest ranking on a voter's ballot.
6. "Last-place candidate" means (i) the candidate with the lowest vote total in a round of the ranked-choice voting tabulation; or (ii) a candidate that is defeated in batch elimination.
7. "Overvote" means a circumstance in which a voter ranks more than one candidate at the same ranking.
8. "Ranking" means the number assigned on a ballot by a voter to a candidate to express the voter's preference for that candidate. Ranking number one is the highest ranking, ranking number two is the next-highest ranking and so on.
9. "Skipped ranking" means a circumstance in which a voter does not use a ranking and ranks a candidate with a subsequent ranking.
10. "Surplus fraction" is a number equal to the difference between an elected candidate's vote total and the election threshold, divided by the candidate's vote total.
11. "Transfer value" means the proportion of a vote that a ballot will count to its highest-ranked continuing candidate. Each ballot begins with a transfer value of one. If a ballot counts to the election of a candidate under subsection (c)(1), it receives a lower transfer value.

(b) In any single-seat election, each round begins by counting the number of votes for each continuing candidate. Each ballot counts as one vote for its highest-ranked continuing candidate. Concluded ballots are not counted for any continuing candidate. Each round then ends with one of the following two outcomes:

1. If there are more than two continuing candidates, the last-place candidate is defeated, or the last-place candidates are defeated in batch elimination, and a new round begins.
2. Otherwise, the candidate with the fewest votes is defeated, the candidate with the most votes is elected, and tabulation is complete.

(c) In any multi-seat election, each round begins by counting the number of votes for each continuing candidate. Each ballot counts, at its current transfer value, for its highest-ranked continuing candidate. Concluded ballots are not counted for any continuing candidate. In the first round only, the election threshold is then calculated. Each round then ends with one of the following three outcomes:

1. If at least one candidate has more votes than the election threshold, then all such candidates are elected. Each ballot counting for an elected candidate is assigned a new transfer value by multiplying the ballot's current transfer value by the surplus fraction for the candidate. Each elected candidate is deemed to have a number of votes equal to the election threshold in all future rounds, and a new round begins.
2. If no candidate has more votes than the election threshold and the sum of the number of elected candidates and continuing candidates is more than the sum of one and the number of seats to be elected, the last-place candidate is defeated, or the last-place candidates are defeated in batch elimination, and a new round begins.
3. Otherwise, the continuing candidate with fewest votes is defeated, all other continuing candidates are elected, and tabulation is complete.

(d) A candidate is defeated in "batch elimination" if the number of elected and continuing candidates with more votes than that candidate is greater than the number of seats to be elected, and if one of the following applies: (i) The candidate's current vote total plus all votes that could possibly be transferred to the candidate in future rounds is not enough to equal or surpass the candidate with the next-higher current vote total; or (ii) the candidate has fewer votes than a candidate described in (i).

(e) If two or more last-place candidates are tied and batch elimination does not apply, the candidate with

the fewest votes in the prior round is defeated. If two or more such tied candidates were tied in the prior round, the second tie shall be decided by referring similarly to the standing of candidates, in terms of votes, in the second-prior round. This principle shall be applied successively as many times as necessary, a tie shown in any prior round being decided by referring to the standing of the candidates in the round immediately preceding the tie.

(f) The Town Clerk shall have the authority to make any changes to the ranked choice voting ballot and tabulation process necessary to ensure the integrity and smooth functioning of the election, provided that ranked choice voting shall still be used and the smallest number of changes are made to achieve such purpose.

Section 2. This Act shall take effect upon its passage.”

(5 – 0)

Select Board Report

Election Modernization Committee Report

Watch the Video Presentation

ATTACHMENTS:

Description	Type	File Name
▢ Amendment 1- P. Schlichtman	Reference Material	Amendment_1_2020_STM_Article_13_Schlichtman.pdf
▢ Amendment 2- P. Schlichtman	Reference Material	Amendment_2_2020_STM_Article_13_Schlichtman.pdf
▢ Amendment - A. Auster	Reference Material	STM_Article_13__Amendment_Motion__Auster.pdf

Arlington Special Town Meeting — Motion to Amend

ARTICLE 13: HOME RULE LEGISLATION/RANKED CHOICE VOTING

Date: November 16, 2020

I, Paul Schlichtman, do hereby submit the following Motion to amend the Recommended Vote of the Select Board under Article 13:

By STRIKING the first two paragraphs of Section 8B, Ranked Choice Voting:

The offices of Select Board, School Committee, Town Clerk, Moderator, Housing Authority, and Assessor shall be elected by ranked choice voting at the annual election.

“Ranked choice voting” shall mean a method of casting and tabulating ballots in which voters rank candidates for office in order of preference. Ranked choice voting shall apply to a single-seat office only when the number of candidates exceeds two and to a multi-seat office when the number of candidates exceeds the number of seats to be elected. Ranked choice voting elections shall be tabulated in rounds as follows.

And INSERTING in its place:

The offices of Select Board, Town Clerk, Moderator, Housing Authority, and Assessor shall be elected by ranked choice voting at the annual election, provided that ranked choice voting shall not apply to races where more than one person is to be elected.

“Ranked choice voting” shall mean a method of casting and tabulating ballots in which voters rank candidates for office in order of preference. Ranked choice voting shall apply to a single-seat office only when the number of candidates exceeds two. Ranked choice voting elections shall be tabulated in rounds as follows.

And by STRIKING subsection (c) “In any multi-seat election...” in its entirety. and redesignating subsections (d) and (e) as subsections (c) and (d)

Signed:



Paul Schlichtman, Precinct 9

Date Voted: _____

Action Taken: _____

Rationale:

Proponents of the Ranked Choice Voting question on the state ballot specifically stated that, upon approval, Ranked-Choice Voting would be used only in races where a single candidate is to be declared the winner and not in races where more than one person is to be elected.

Ranked Choice Voting, when applied to a race in which one person is to be elected, would require a majority of voters to elect a candidate. Ranked Choice Voting, in races where more than one person is to be elected, substantially changes the dynamics of the race. Instead of having multiple votes to distribute among multiple candidates, Ranked Choice Voting would provide voters with only one vote that would be awarded based on the preferences indicated on the ballot.

Arlington Special Town Meeting — Motion to Amend

ARTICLE 13: HOME RULE LEGISLATION/RANKED CHOICE VOTING

Date: November 16, 2020

I, Paul Schlichtman, do hereby submit the following Motion to amend the Recommended Vote of the Select Board under Article 13:

By STRIKING:

Section 2. This Act shall take effect upon its passage.

And INSERTING in its place:

Section 2. This Act shall take effect upon approval of the majority of Arlington voters by local ballot question.

Signed:



Paul Schlichtman, Precinct 9

Date Voted: _____

Action Taken: _____

Rationale:

Proponents of the Ranked Choice Voting question on the state ballot specifically stated that approval of the question would not change voting methods in municipal elections.

Consequently, favorable or unfavorable votes on Question 2 do not inform us about the support or lack of support for implementing Ranked Choice Voting in municipal elections.

Implementing Ranked Choice Voting for town elections is a significant, substantive change in the way we elect town officials, and the voters should have the ability to approve or reject this change before it is applied to town elections.

Arlington Special Town Meeting — Motion to Amend

ARTICLE NO. 13

Dated: Nov 12 2020

I, Adam Auster, Precinct 3, do hereby submit the following Motion to Amend the Recommended Vote under Article 13

VOTED:

To amend the motion so that it would provide for majority ranked-choice voting, as follows:

A) Definitions: delete definition (4), “Election threshold,” definition (10), “Surplus fraction,” and definition (11), “Transfer value,” and renumber the definitions accordingly.

B) Amend §(b) by deleting the word “single seat” in the first sentence “in any single-seat election,” so that the section begins “In any election....”

C) Replace §(c) with the following:

In any multi-seat election, each round begins by following the procedures of §b above to fill one of the available seats by a majority of those votes.

If any seats are unfilled after that, the same procedure is used to fill the next seat up for election, with a this additional rule: votes previously cast for candidates who have been elected are transferred to the highest-ranked candidates remaining on their respective ballots.

Respectfully Submitted,



Adam Auster, Precinct 3

Rationale:

This amendment would provide that those elections be decided by a majority vote instead. By contrast, the recommended proposal would introduce *proportional representation* for multi-seat elections.

For a more detailed explanation, see <https://rb.gy/pi0bns>.

Proportional representation elects people from voting blocks of less than a majority. It has virtues for legislative bodies such as city councils. However, it is not right for an executive board such as our Select Board.

First, Arlington’s collective executive works best when accountable to all of the voters, not just a preferential subset of them. Second, unity and, sometimes, unanimity are important in some Select Board actions, including competitive grants.

A single dissent could have jeopardized the \$6M grant to rebuild Mass. Ave., which was needed and supported by most Arlington residents. That would be an undemocratic consequence that gives too much power to a minority.

Date Voted: _____

Action Taken: _____



Town of Arlington, Massachusetts

ARTICLE 14

Warrant Article Title:

HOME RULE LEGISLATION/SENIOR WATER DISCOUNT

Warrant Article Text:

To see if the Town will vote to authorize and request the Select Board to file Home Rule Legislation or other Special Legislation which would permit the Town to discount fees charged to qualifying, means-tested Arlington Seniors for water and sewer usage; or take any action related thereto.

Requested by:

(Inserted by the Select Board)

Discussion:

*This articles returns to the Warrant from the 2020 Annual Town Meeting. The Select Board urges Town Meeting's positive action on this effort to extend the availability of water discounts to a broader set of qualifying Arlington seniors. At present, the Town is only afforded discretion to offer water and sewer discounts to seniors who meet the qualifications for 17D and 41C property tax exemption criteria. Successful action on this Home Rule Petition will provide discounts on the water and sewer fees could be extended to a wider set of seniors who, for example, participate in the Arlington's Tax Deferral program and/or Senior Tax Work-off Exemption programs. As Town Meeting may recall, under those programs, to be eligible, residents must be 65 years old, a resident of Massachusetts for 10 years, and homeowner for 5 years, and income eligible. The Select Board stresses that it would still retain year of water rates.

Vote Language:

That the Town does hereby request and authorize the Select Board to file Home Rule Legislation to provide substantially as follows:

"AN ACT AUTHORIZING SENIOR WATER & SEWER DISCOUNTS IN THE TOWN OF ARLINGTON.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the Select Board of the Town of Arlington may discount fees charged to income eligible residents aged 65 and over for the use of the town's water and sewer system.

SECTION 2. This act shall take effect upon its passage.

(5 – 0)

Select Board Report



Town of Arlington, Massachusetts

ARTICLE 15

Warrant Article Title:

HOME RULE LEGISLATION/RETIRED POLICE OFFICER DETAILS

Warrant Article Text:

To see if the Town will vote to authorize and request the Select Board to file Home Rule Legislation, as set forth below, to allow retired police officers to work police details; or take any action related thereto.

AN ACT RELATIVE TO THE APPOINTMENT OF RETIRED POLICE OFFICERS AS SPECIAL POLICE OFFICERS IN THE TOWN OF ARLINGTON

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The Town Manager of the Town of Arlington may appoint, at the recommendation of the Chief of Police and as the Chief of Police deems necessary, retired police officers as special police officers for the purpose of performing police details and any police duties arising therefrom or during the course of police detail work, whether or not related to the detail work, when the special police officer is on detail assignment and an emergency response by the special police officer is required due to the inability of a regular police officer to timely respond to the emergency. Such retired police officers must have previously served as regular full-time police officers for the Town of Arlington who voluntarily retired based upon superannuation under the provisions of chapter 32 of the General Laws.

No retired police officer shall be eligible for appointment under this act if such officer has reached the mandatory age for retirement of police officers specified in chapter 32 of the General Laws and regulations promulgated thereunder and the employment of any officer appointed under this act shall terminate upon attaining such age. No officer who has been retired from the Town of Arlington Police Department for more than five years shall be eligible for appointment under this act unless the officer has maintained employment since the date of retirement as an active police officer in the Commonwealth. Prior to being appointed under this act every officer who is to be appointed must pass a medical examination by a physician chosen by the Town to determine that such officer is capable of performing the essential duties of a special police officer under this act. The cost of such examination shall be borne by the special police officer. Such officer shall provide certification to the Town that the officer is covered by personal health insurance.

SECTION 2. Special police officers appointed under this act shall not be subject to chapter 31 of the General Laws; sections 85H and 85H ½ of chapter 32 of the General Laws; sections 99A, 100, or 111F of chapter 41 of the General Laws; or chapter 150E of the General Laws. Special police officers appointed under this act shall be subject to chapter 151A of the General Laws.

SECTION 3. Special police officers appointed under this act shall, when performing their duties set forth in this act, have the same power to make arrests and to perform other police functions as do regular police officers of the Town of Arlington.

SECTION 4. Special police officers shall be appointed for a term of one year, subject to renewal in the Town Manager's sole discretion. During the term of appointment, the officer shall serve at the pleasure of the Town Manager, subject to removal by the Town Manager at any time with or without cause. Any such removal shall be preceded by a fourteen-day written notice unless considerations of public safety and welfare, determined in the

Town Manager's sole discretion, require immediate removal. In such instances, the Town Manager shall provide the officer with a written statement of reasons for the immediate removal.

SECTION 5. Special police officers appointed under this act shall be subject to the rules and regulations, policies and procedures and requirements of the Police Department and the Chief of Police of the Town of Arlington, including restrictions on the type of detail assignments, requirements regarding medical examinations to determine continuing capability to perform the duties of a special police officer, requirements for training, requirements for firearms qualifications and licensing, and requirements regarding uniforms and equipment. Compliance with all requirements will be at no cost to the Town of Arlington. Special police officers appointed under this act shall not be subject to section 96B of chapter 41 of the General Laws.

SECTION 6. Special police officers appointed under this act shall be sworn before the Town Clerk of the Town of Arlington who shall keep a record of all such appointments.

SECTION 7. Appointment as a special police officer under this act shall not entitle any officer appointed as such to assignment to any specific detail or type of detail, and all such assignments shall be made in the sole discretion of the Chief of Police. Special police officers appointed under this act shall be paid the hourly detail rate applicable to regular full-time officers, including any changes to such rate, but shall not be entitled to any other Town benefits.

SECTION 8. Retired police officers appointed as special police officers under this act shall be subject to the limitations on hours worked and on earnings by retired municipal employees under paragraph (b) of section 91 of chapter 32 of the General Laws. Any such officer shall, on or before January thirty-first of each calendar year, file a sworn statement with the Arlington Contributory Retirement Board on a prescribed form identifying the compensated number of hours worked for, and all earnings therefrom, for the Commonwealth and any of its subdivisions for which the police officer worked during the preceding calendar year.

SECTION 9. This act shall take effect upon its passage.

Requested by:

(Inserted by the Select Board)

Discussion:

*This articles returns to the Warrant from the 2020 Annual Town Meeting. The Select Board recommends positive action on this article in fulfillment of an agreement between the Town and its collectively bargained police unions to retain qualifying retired Arlington police officers to serve in limited scope, as special officers on police details as needed, and on the recommendation of the Police Chief at the discretion of the Town Manager. In doing so, Arlington would join a host of Massachusetts communities which have bolstered their ability to improve public safety at no additional cost by hiring retired police officers as Special Police Officers to perform police details and traffic work.

Eligible officers include only those officers who were in "good standing" and are also able pass certain fitness tests paid for at their expense. In short, the good standing requirement provides additional minimum qualifications the would prohibit appointment of: 1) any officers involuntarily separated from employment or with outstanding administrative discipline or disciplinary charges levied against them at the time of a voluntary separation (such as a resignation or retirement); and/or 2) any officers who were subject to duty restrictions or assignment modifications as a result of discipline within the last 10 years of their tenure. This standard serves to prohibit those officers who were deemed unfit to serve in the community within a ten (10) year period prior to the end of their service.

Moreover, because appointment is contingent upon the recommendation of the Chief of Police and entirely discretionary for the Manager, it may be helpful for Town Meeting to understand that no retired officer is entitled to appointment and that the Manager may decline appointment for any non-arbitrary and non-discriminatory reasons. Similarly, it may also be valuable to the Meeting's consideration to highlight that appointed special police officers are not entitled to specific assignments, and do not retain employment rights under civil service laws or as afforded by collectively bargained agreements. Therefore, any appointed special police officers may be removed with or without cause. Finally, appointed officers could not work past the statutory age of 65, and must comply with all retirement restrictions on earnings and hours worked.

Vote Language:

That the Town does hereby request and authorize the Select Board to file Home Rule Legislation to provide substantially as follows:

“AN ACT RELATIVE TO THE APPOINTMENT OF RETIRED POLICE OFFICERS AS SPECIAL POLICE OFFICERS IN THE TOWN OF ARLINGTON”

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The Town Manager of the Town of Arlington may appoint, at the recommendation of the Chief of Police and as the Chief of Police deems necessary, retired police officers who separated from employment with the Town in good standing as special police officers for the purpose of performing police details and any police duties arising therefrom or during the course of police detail work, whether or not related to the detail work, when the special police officer is on detail assignment and an emergency response by the special police officer is required due to the inability of a regular police officer to timely respond to the emergency. Such retired police officers must have previously served as regular full-time police officers for the Town of Arlington who voluntarily retired based upon superannuation under the provisions of chapter 32 of the General Laws.

No retired police officer shall be eligible for appointment under this act if such officer has reached the mandatory age for retirement of police officers specified in chapter 32 of the General Laws and regulations promulgated thereunder and the employment of any officer appointed under this act shall terminate upon attaining such age. No officer who has been retired from the Town of Arlington Police Department for more than five years shall be eligible for appointment under this act unless the officer has maintained employment since the date of retirement as an active police officer in the Commonwealth. Prior to being appointed under this act every officer who is to be appointed must pass a medical examination by a physician chosen by the Town to determine that such officer is capable of performing the essential duties of a special police officer under this act. The cost of such examination shall be borne by the special police officer. Such officer shall provide certification to the Town that the officer is covered by personal health insurance.

“Good standing” for the purposes of this Act shall mean that otherwise eligible officers must have voluntarily separated from their employment as a police officer without any outstanding administrative discipline or unresolved pending administrative charges at such time; and further, that such officer may not have been subject to duty restrictions or assignment modifications as a result of disciplinary action for misconduct within the last ten (10) years of service prior to voluntary separation or retirement.

SECTION 2. Special police officers appointed under this act shall not be subject to chapter 31 of the General Laws; sections 85H and 85H ½ of chapter 32 of the General Laws; sections 99A, 100, or 111F of chapter 41 of the General Laws; or chapter 150E of the General Laws. Special police officers appointed under this act shall be subject to chapter 151A of the General Laws.

SECTION 3. Special police officers appointed under this act shall, when performing their duties set forth in this act, have the same power to make arrests and to perform other police functions as do regular police officers of the Town of Arlington.

SECTION 4. Special police officers shall be appointed for a term of one year, subject to renewal in the Town Manager’s sole discretion. During the term of appointment, the officer shall serve at the pleasure of the Town Manager, subject to removal by the Town Manager at any time with or without cause. Any such removal shall be preceded by a fourteen-day written notice unless considerations of public safety and welfare, determined in the Town Manager’s sole discretion, require immediate removal. In such instances, the Town Manager shall provide the officer with a written statement of reasons for the immediate removal.

SECTION 5. Special police officers appointed under this act shall be subject to the rules and regulations, policies and procedures and requirements of the Police Department and the Chief of Police of the Town of Arlington, including restrictions on the type of detail assignments, requirements regarding medical examinations to determine continuing capability to perform the duties of a special police officer, requirements for training, requirements for firearms qualifications and licensing, and requirements regarding uniforms and equipment.

Compliance with all requirements will be at no cost to the Town of Arlington. Special police officers appointed under this act shall not be subject to section 96B of chapter 41 of the General Laws.

SECTION 6. Special police officers appointed under this act shall be sworn before the Town Clerk of the Town of Arlington who shall keep a record of all such appointments.

SECTION 7. Appointment as a special police officer under this act shall not entitle any officer appointed as such to assignment to any specific detail or type of detail, and all such assignments shall be made in the sole discretion of the Chief of Police. Special police officers appointed under this act shall be paid the hourly detail rate applicable to regular full-time officers, including any changes to such rate, but shall not be entitled to any other Town benefits.

SECTION 8. Retired police officers appointed as special police officers under this act shall be subject to the limitations on hours worked and on earnings by retired municipal employees under paragraph (b) of section 91 of chapter 32 of the General Laws. Any such officer shall, on or before January thirty-first of each calendar year, file a sworn statement with the Arlington Contributory Retirement Board on a prescribed form identifying the compensated number of hours worked for, and all earnings therefrom, for the Commonwealth and any of its subdivisions for which the police officer worked during the preceding calendar year.

SECTION 9. This act shall take effect upon its passage.

(5 – 0)

Select Board Report

ATTACHMENTS:

Description	Type	File Name
Article 15 FAQ	Reference Material	Article_15_Frequently_Asked_Questions.pdf

Article 15 Frequently Asked Questions

Prepared by Town Manager, Police Chief, and Legal Department

What does the article do?

This article is about who can perform police details, in this case whether retired police officers will be allowed to do so.

This article is not about whether the Town will continue to use police details. A “No” vote will not affect the Police Department’s details strategy.

Why is there an article on the warrant?

The article is on the Town Warrant because it is necessary to enact a law specific to Arlington, through a home rule petition to the State Legislature, in order to allow retired police officers to perform details.

The idea of using retired officers in details arose during the Town’s negotiations with the Ranking Officers Association, which represents the Police Sergeants, Lieutenants, and Captains. At the request of the union and as part of the latest contract settlement, the Town agreed to put this article before Town Meeting.

Both the Union and the Town believe allowing retirees to work details is a win-win situation for the retirees, the Town, and the other officers on the force. It gives the Town more officers to fill the numerous detail slots; the retirees have been trained by the Town in its police methods and they know the Town after having worked here for many years.

Does the Police Department need details?

Yes, for two categories: construction projects affecting roadways, as required by law, and events to control traffic to protect public safety, such as road races, park events, Town Day, parades, July 4th, etc. At present, the volume of details is more than Arlington Police Department officers can meet, so it must hire active officers from other cities and towns. Detail officers ensure safe and efficient traffic flow traffic. They are in uniform and have all their equipment, including first aid kits and portable radios to monitor service calls. They have performed CPR and first aid to community members who had medical emergencies, intervened and assisted officers during bank robberies, located missing children, and assisted in many other emergency situations.

Why not use flaggers?

Flaggers are limited to construction details on low-speed roadways, must receive their own extensive training and certification, do not possess first responder training, and do not present significant cost-savings for the Town.

Do other communities use retirees?

Eleven of our 12 comparable communities allow retirees to work details, as well as Cambridge, Somerville, and Lexington. Medford is presently considering similar proposals to the one before our Town Meeting.

Do other communities use flaggers?

Few neighboring communities use flaggers. Lexington employs flaggers, although it also uses retired police officers as contemplated by this Article, and it bears noting that some Lexington flaggers are, in fact, retired Arlington Police Officers.

Do officers rely on details for their pay?

Yes, detail pay and overtime are important supplements to base pay. Officers work details in addition to their regular hour and count on this pay when calculating their total compensation.

Does detail pay affect their pensions?

No, pensions are based on “regular compensation,” such as salaries and recurring stipends. Detail pay and overtime do not affect pensions.

Training requirements.

Retirees will have years of service to the Town and have received training in de-escalation, mental health first aid, procedural justice, and Fair and Impartial Policing. Retirees would be required to attend, at their own expense, CPR, first aid, firearms, and diversity, equity and inclusion training, plus any training that the Chief of Police mandates. Retirees would also be held to all policies, procedures, rules and regulations of the department

Limits on hours.

State law limits the number of hours a retired officer can work for a municipality to 960 hours per year. Active police officers cannot work more than 16 hours in a 24 hour period, including details and/or overtime.

Why are Arlington retirees better at details than others?

After working in Town during their careers, retired Arlington police officers are familiar with the community, road networks, and key locations. They are trained in our specific policies.

Chief’s discretion to hire a retiree.

All appointments are at the discretion of the Town Manager upon recommendation by the Police Chief. There are limits set forth in the legislation with respect to age, fitness, and good standing. The Manager or the Chief may decline appointment or recommendation for any non-discriminatory reason

Can an officer retire from Arlington, work for another department for five years, then take Arlington details?

This is unlikely since once an officer retires, he/she cannot work for another Massachusetts town.

Would using flaggers require us to bargain with the Police unions?

Yes. The contracts with the two police unions contain provisions relative to details and officers’ availability for details. Changes would require agreement from the Town and the Unions.

Could savings from flaggers be used to boost officer pay?

No. Payment for most details comes from utilities, contractors, or grants. Those funds cannot be transferred into the salary of the Police Department.

What are the detail rates (internal and external)?

The detail rate is \$51.58 per hour for a detail requested by a utility company or contractor. The rate for a Town detail varies between \$42.00 and \$54.00 per hour depending on the police officer’s rank and pay level.



Town of Arlington, Massachusetts

ARTICLE 16

Warrant Article Title:

ZONING BYLAW AMENDMENT/DEFINITIONS RELATED TO OPEN SPACE

Warrant Article Text:

To see if the Town will vote to amend the Zoning Bylaw of the Town of Arlington by renaming the terms "Open Space", "Open Space, Usable" and "Open Space, Landscaped" in Section 2 – Definitions; or take any action related thereto.

Requested by:

(Inserted by the Redevelopment Board at the request of Stephen A. Revilak and ten registered voters)

Discussion:

The petitioner proposed replacing the term "open space" with "yard space." The petitioner also proposed referring to usable open space and landscaped open space as primary and secondary yard space, respectively. This differs from open space included in the Open Space District on the Zoning Map. Open Space in the Open Space District includes parcels under the jurisdiction of the Park and Recreation Commission, Conservation Commission, Arlington Redevelopment Board, Massachusetts Department of Conservation and Recreation, or Massachusetts Bay Transportation Authority (MBTA). This open space has a public benefit compared to private open space.

The ARB appreciates the intention of the petitioner to clarify who benefits from open space on private property (the landscaped open space and the useable open space), which is designed to benefit the owner and occupants of private property, compared to public open space. However, the ARB noted that "open space" is a term of art that municipalities use in Zoning Bylaws and Ordinances throughout the Commonwealth. The ARB suggested that using "private open space" would be a better option than "yard space" to remain consistent with the term of art. The ARB is concerned that departing from the generally accepted term for describing private open space on a parcel would create confusion among users of Arlington's Zoning Bylaw. As such, the ARB did not believe that the wording proposed is the solution to describe the differences between private open space and public open space.

Vote Language:

The Redevelopment Board voted (5-0) to recommend No Action on Article 16.

Arlington Redevelopment Board Report



Town of Arlington, Massachusetts

ARTICLE 17

Warrant Article Title:

ZONING BYLAW AMENDMENT/NOTICE OF DEMOLITION, OPEN FOUNDATION EXCAVATION, NEW CONSTRUCTION, OR LARGE ADDITIONS

Warrant Article Text:

To see if the Town will vote to amend the Zoning Bylaw in Section 3.1.B. by appending to the end of this section the sentence: "No such permit shall be issued until the Building Inspector finds that the applicant is in compliance with the applicable provisions of Title VI, Article 7 of the Town Bylaws;" or take any action related thereto.

Requested by:

(Inserted by the Redevelopment Board at the request of Michael Ruderman and ten registered voters)

Discussion:

The petitioner indicated that the implementation of Title VI, Article 7 of the Town Bylaw, the Arlington Residential Construction Agreement, also known as the "Good Neighbor Agreement", has been inconsistent. The Good Neighbor Agreement, adopted by Town Meeting in 2017 and amended in 2019, applies to residential construction, including demolitions, open foundation excavation, new construction, and large additions, and requires notification by the contractor or property owner to abutters within a set period of time prior to any activities that may trigger the bylaw, including tree removal. The Good Neighbor Agreement establishes certain construction standards that must be maintained throughout the construction period. The addition of a cross reference in the Zoning Bylaw would improve implementation of the Good Neighbor Agreement.

The ARB found this addition to the Zoning Bylaw was unnecessary (in part because Title VI, Article 7, already contains the requirement that a demolition permit or building permit not issue until the requirements of that article are met) and determined that the proposed language does not align with the Town Bylaw. The ARB is concerned that this language may result in the application of the Good Neighbor Agreement to more projects than what the Town Bylaw indicates is required to comply with the Good Neighbor Agreement. The ARB recommended revising the language of Title VI, Article 7, to improve the implementation of the Good Neighbor Agreement before considering revising the Zoning Bylaw.

Vote Language:

The Redevelopment Board voted (5-0) to recommend No Action on Article 17.

Arlington Redevelopment Board Report

ATTACHMENTS:

Description	Type	File Name
☐ Substitute Motion - M Ruderman	Reference Material	Article_17_-_Substitute_Motion_-_M-Ruderman.pdf

Arlington Town Meeting —Motion

ARTICLE NO. 17

Dated: Nov. 4, 2020

I, A. Michael Ruderman, do hereby submit the following Motion:

VOTED: To amend the Zoning Bylaw in Section 3.1.B. by appending to the end of this section the sentence: “No such permit shall be issued until the Building Inspector finds that the applicant is in compliance with the applicable provisions of Title VI, Article 7 of the Town Bylaws.”

Discussion: Title VI, Article 7 of the Town Bylaw refers to the Arlington Residential Construction Notification, also known as the Good Neighbor Agreement, which was adopted by Town Meeting in 2017. The Good Neighbor Agreement applies to particular instances of residential construction, demolitions, open foundation excavation, new construction, and large additions. It requires the contractor provide notification to abutters within a set period of time prior to activities which would trigger the bylaw, including tree removal.

Since 2017, the Good Neighbor Agreement has not been consistently employed or enforced, even with the provision for a fine of \$200 per day for violations.

This substitute motion makes observance of the Good Neighbor Agreement, in the situations where it would apply, one of the requirements for obtaining a building permit from the Building Inspector (whose authority to issue permits is created in the Zoning Bylaw section 3.1, paragraphs A and B.)

Signed:

A. Michael Ruderman

A. Michael Ruderman, Precinct 9

Date Voted: _____

Action Taken: _____



Town of Arlington, Massachusetts

ARTICLE 18

Warrant Article Title:

ZONING BYLAW AMENDMENT/IMPROVING RESIDENTIAL INCLUSIVENESS, SUSTAINABILITY, AND AFFORDABILITY BY ENDING SINGLE FAMILY ZONING

Warrant Article Text:

To see if the Town will vote to amend the Zoning Bylaw for the Town of Arlington by expanding the set of allowed residential uses in the R0 and R1 zoning districts with the goal of expanding and diversifying the housing stock by altering the district definitions for the R0 and R1 zoning districts; or take any action related thereto.

Requested by:

(Inserted at the request of Benjamin Rudick and ten registered voters)

Discussion:

The petitioner explained that this article, to allow the two-family and duplex use in the R0 and R1 districts, should be adopted for four key reasons: addressing the racist legacy of single-family zoning in Arlington; improving environmental sustainability; increasing housing choice; and allowing for more affordable homes. The petitioners pointed to a number of actions that allowed Arlington to develop into a community consisting of predominantly single-family homes occupied by white owners, and proposed this article as a way to reverse previous actions.

The ARB believes that this article can address the important issues that the petitioner refers to in the presentation. The ARB also believes that it is important for the Town of Arlington to consider the past actions of both the Town and private entities, reflect on those actions, and determine a way to mitigate and reverse those actions. The ARB understands that this article reflects a larger policy conversation that the town should have, and is interested in hearing from Town Meeting Members on this topic after hearing a wide variety of opinions during the course of public dialogues. However, in addition to other concerns about the proposal, the ARB recognizes that there is no clear understanding of the impact of similar rezonings due to the recent nature of similar zoning changes in other States and there was no public engagement regarding this article.

The ARB discussed changes to the proposed motion that would improve the article and potentially address topics heard during the public hearings. Those items include:

1. Requiring that any two-family or duplex home that is built appears as a single-family home;
2. Codifying certain design requirements to maintain the appearance of a single-family home as well as minimizing changes that may alter the streetscape view; and
3. Capturing the value gained by building two homes versus one home by requiring a percentage payment to a municipal affordable housing trust fund based on the sales price or assessed value.

The ARB recognized that regulating appearance is a subjective proposition and the language of these three points would need further research and review that would be difficult to complete within the timeframe for Special Town Meeting. As such, the majority of the ARB recommended no action on this article and referred the topic to the Department of Planning and Community Development to identify an existing or new study committee for further study. The minority opinion believed that the right course of action would be to allow Town Meeting discussion on the article prior to referring the topic for further study.

Vote Language:

The Redevelopment Board voted (4-1) to recommend No Action on Article 18 and refer to the topic to the

Department of Planning and Community Development to identify an existing or new study committee for further study.

Arlington Redevelopment Board Report



Town of Arlington, Massachusetts

ARTICLE 19

Warrant Article Title:

ZONING BYLAW AMENDMENT/ACCESSORY DWELLING UNITS

Warrant Article Text:

To see if the Town will vote to allow Accessory Dwelling Units (ADUs) in single and two-family dwellings in residential districts, or take any action related thereto by amending the Zoning Bylaw as follows:

Section 1.2 Purposes to add "to encourage housing for persons at all income levels and stages of life":
and

Section 2.5 Definitions Associated with Dwelling: to add An ACCESSORY DWELLING UNIT, OR ACCESSORY APARTMENT, "Accessory dwelling unit", four or more rooms constituting a self-contained accessory housing unit, inclusive of sleeping, cooking and sanitary facilities on the same premises as the principal dwelling, subject to otherwise applicable dimensional and parking requirements, that: (i) maintains a separate entrance, either directly from the outside or through an entry hall or corridor shared with the principal dwelling sufficient to meet the requirements of the state building code and state fire safety code; (ii) is not larger in floor area than 1/2 the floor area of the principal dwelling.

and

Section 3.3.3 Special Permits to add "in the case of requests for special permits for Accessory Dwelling Units, the use will add to the need for a range of affordable housing opportunities for the Town."

and

Section 5.2.3 Districts and Uses: to add "to allow for the creation of accessory dwelling units in all zoning districts which allow residential use. (Include in Section 5.4 Residential Districts);

or take any action related thereto.

Requested by:

(Inserted at the request of Barbara Thornton and ten registered voters)

Discussion:

The petitioner indicated that the article is substantially different that the ARB's 2019 warrant article, which was short nine votes and failed at Town Meeting. The petitioner noted that the primary difference between these articles is that this one allows accessory dwelling units (ADUs) by-right in any residential zoning district. The ARB's article proposed ADUs by Special Permit in the R0 and R1 residential zoning districts. The petitioner indicated that allowing ADUs in the community would be beneficial in four main ways: providing flexibility for families, as needs change over time; increasing range of housing choices; providing a form of housing generally less costly and more affordable than similar units in multifamily buildings; and adding units to Arlington's total housing stock with minimal effects on neighborhoods.

The ARB agrees that this article is substantially different from the 2019 article. However, the ARB does not believe that this article is the best vehicle to allowing ADUs in Arlington. The ARB believes that there is inconsistency and ambiguity in the proposed motion. Further, the petitioner wrote the article in such a way that makes it difficult to revise while staying within scope. The ARB strongly supports the as-right basis of this article. However, there are a number of items from the 2019 article that the ARB might want to see included in an ADU bylaw such as requiring that one of the units is owner-occupied, limiting the gross floor area of the ADU at a percentage lower than 50%, and prohibiting short-term rentals.

The ARB also discussed a proposal presented by the public during the hearing, required that the rent charged for the non-owner-occupied unit not exceed an affordable rent as defined the Zoning Bylaw. The ARB

disagrees with this approach to creating ADUs. The ARB discussed a similar proposal in 2019 and maintains that this requirement would have unintended consequences including being burdensome to the owner and resulting in few if any ADUs constructed as a result. A majority of the ARB members voted no action on this article and discussed submitting an article at a future Town Meeting following public review that will incorporate many of the best elements of this article and the 2019 article. The minority opinion believed that no action continues to delay meaningful progress in the town increasing a range of housing choices.

Vote Language:

The Redevelopment Board voted (3-2) to recommend No Action on Article 19.

Arlington Development Board Report



Town of Arlington, Massachusetts

ARTICLE 20

Warrant Article Title:

ZONING BYLAW AMENDMENT/PARKING REDUCTIONS IN THE B3 AND B5 DISTRICTS

Warrant Article Text:

To see if the Town will vote to amend the Zoning Bylaw to allow the Board of Appeals or Arlington Redevelopment Board, as applicable, to reduce the parking requirement to as low as zero in the B3 and B5 Districts through Special Permit where businesses have no ability to create new parking by amending SECTION 6.1.5. PARKING REDUCTION IN BUSINESS, INDUSTRIAL, AND MULTI-FAMILY RESIDENTIAL ZONES; or take any action related thereto.

Requested by:

(Inserted at the request of the Redevelopment Board)

Discussion:

The B3 and B5 Zoning Districts make up the three major businesses districts: Capitol Square in East Arlington, Arlington Center, and Arlington Heights. Based on Town GIS data, there are 83 parcels in the B3 Zoning District and 26 in the B5 Zoning District; the Article would affect 109 parcels. The attached maps identify the location of the parcels in the B3 and B5 Zoning Districts. There are no other properties zoned B3 or B5 outside of these areas.

As stated in the definition and purpose in the Zoning Bylaw, the intent of the B3 and B5 Zoning Districts includes allowing for uses oriented to pedestrian traffic. This is both to encourage commercial activity from neighborhood residents, and to encourage visitors who drive to park once and visit multiple locations on foot in a single visit. In each business district, on-street parking is available and in many cases, municipal parking is available.

Additionally, the average lot size in the B3 and B5 Districts is approximately 6,100 square feet and lot coverage (the amount of a building covering a lot) is at or near 100%. Due to these conditions, property owners and business tenants cannot create new parking on lots in the B3 and B5 districts without significant building or lot reconfiguration, or the conversion of existing parcels to surface or structured parking lots. Many of these parcels are also under the jurisdiction of the Arlington Historical Commission and may disturb historic structures making proposals that adhere to strict parking requirements both impracticable and not in the overall best interest of the community.

The ARB indicated that the Article would allow the Special Permit Grant Authorities to have greater flexibility and case-by-case consideration of adjustments to parking requirements beyond the currently allowable parking reduction, especially for a commercial change of use within existing storefronts.

Vote Language:

The Redevelopment Board voted (5-0) to Recommend Action on Article 20 as amended. That the Zoning Bylaw be and hereby is amended as follows:

6.1.5. Parking Reduction in Business, Industrial, and Multi-Family Residential Zones

The Board of Appeals or Arlington Redevelopment Board, as applicable, may allow the reduction of the parking space requirements in the R5, R6, R7, Business, and Industrial Zones to 25 percent of that required in the Table of Off-Street Parking Regulations if the proposed parking is deemed adequate and where Transportation

Demand Management practices are incorporated, as evidenced by a Transportation Demand Management Plan approved by the Special Permit Granting Authority. Methods to reduce parking on site may include but are not limited to:

A. Shared Parking: To implement shared on-site parking, the applicant shall demonstrate that proposed uses are non-competing. In mixed-use developments, applicants may propose a reduction in parking requirements based on an analysis of peak demand for non-competing uses. In these cases, the parking requirement for the largest of the uses (in terms of parking spaces required) shall be sufficient.

B. Off-site Parking: An applicant may use off-site parking to satisfy their parking requirements as provided in Section 6.1.10. The applicant shall document efforts to promote use of off-site parking by customers, residents, or employees.

C. Transportation Demand Management (TDM): Any request for parking reduction must include a plan to reduce demand for parking. TDM provides incentives to reduce the use of Single Occupant Vehicles and encourages the use of public transit, bicycling, walking, and ridesharing. All projects requesting a parking reduction must employ at least three TDM methods described below:

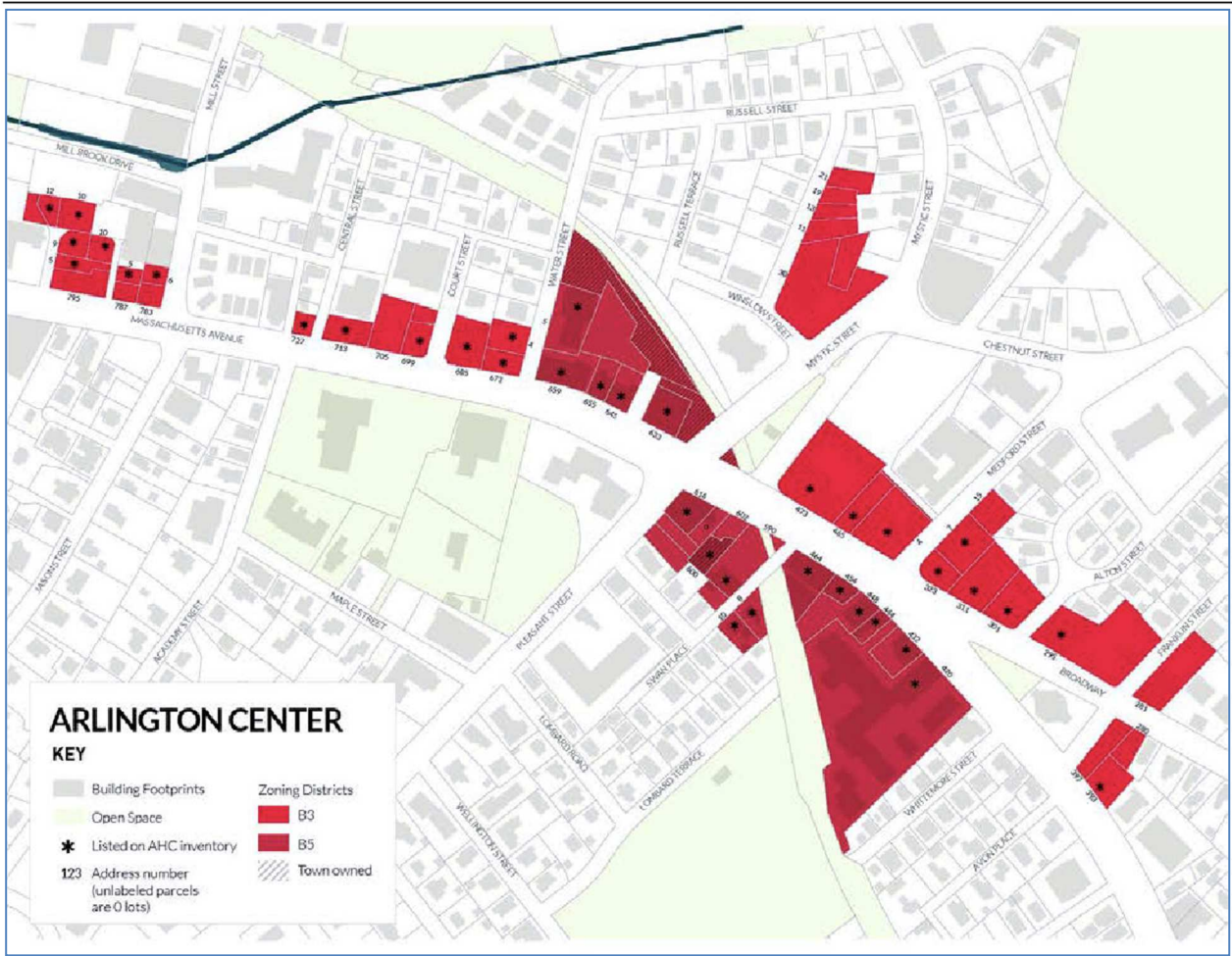
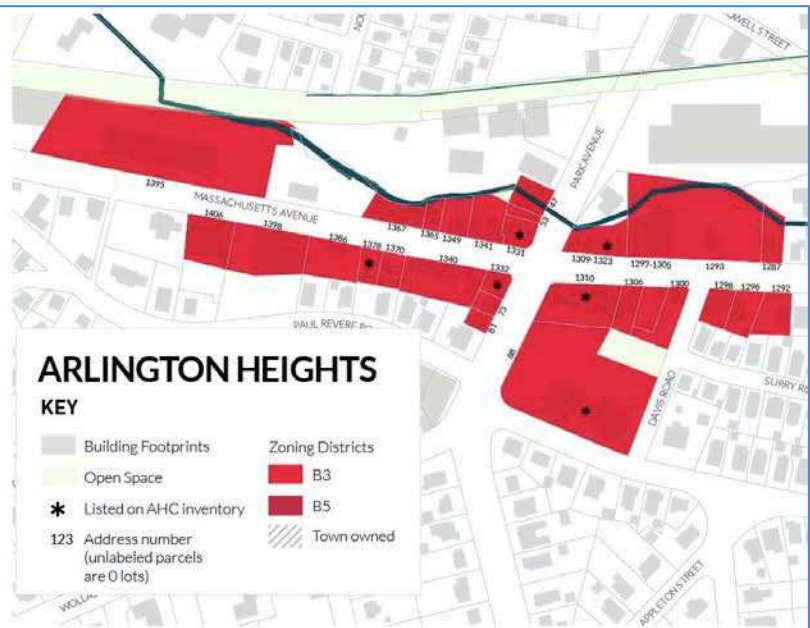
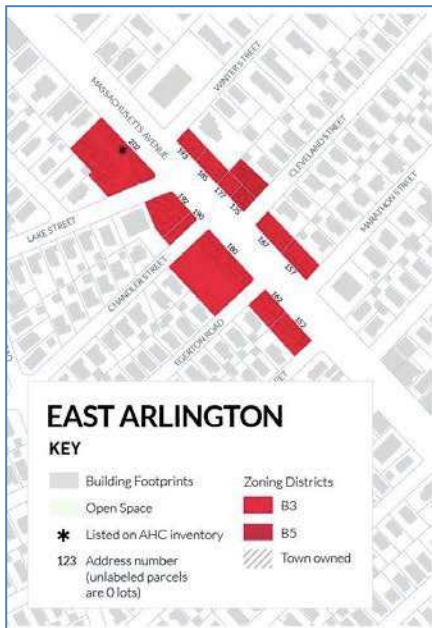
- (1) Charge for parking on-site;
- (2) Pay a stipend to workers or residents without cars;
- (3) Provide preferential parking for carpooling vehicles;
- (4) Provide a guaranteed emergency ride home;
- (5) Provide transit pass subsidies;
- (6) Provide covered bicycle parking and storage;
- (7) Provide bicycle or car sharing on site;
- (8) Provide showers for business or industrial uses;
- (9) Other means acceptable to the applicable Special Permit Granting Authority.

When the applicable Special Permit Granting Authority determines that a business in the B3 or B5 District has no ability to create new parking onsite and that there is adequate nearby on-street parking or municipal parking, it may reduce to less than 25 percent or eliminate the amount of parking required in the Table of Off-Street Parking Regulations. In those circumstances, the applicable Special Permit Granting Authority may require the applicant to incorporate methods set forth in subparagraphs A., B., and C. of this section. The reductions described in this paragraph do not apply to residential use classes identified in Section 5.5.3. and are in addition to the exemption from the parking requirements for the first 3,000 square feet of non-residential space in a mixed-use development as set forth in Section 6.1.10.C.

Arlington Redevelopment Board Report
Watch the Video Presentation

ATTACHMENTS:

Description	Type	File Name
▣ Article 20 Supporting Doc.	Reference Material	Article_20-_Supporting_Doc_1-Map.docx





Town of Arlington, Massachusetts

ARTICLE 21

Warrant Article Title:

ZONING MAP AMENDMENT/REZONE TOWN PROPERTY

Warrant Article Text:

To see if the Town will vote to rezone a parcel of land belonging to the Town of Arlington with access from Grove Street and being identified by Map 54, Block 3, Lot 2.B from R1 to I, or take any other action related thereto.

Requested by:

(Inserted at the request of the Town Manager)

Discussion:

The majority of the planned Department of Public Works (DPW) Yard Renovation will take place on the parcels, shown below and zoned as Industrial at 49 and 51 Grove Street. However, the proposed new salt shed will straddle the lot line to the south and be located partially in the R1 Zoning District (noted with a star in the image of the Arlington Zoning Map). A fuel island will also be located on the R1 parcel. Neither the salt shed nor the fuel island are allowed to be located in the R1 zoning district. The ARB supports the rezoning of this Town-owned parcel from R1 to Industrial in order to create a consistent campus supporting DPW.

Vote Language:

The Redevelopment Board voted (5-0) to Recommend Action on Article 21 to amend the Arlington Zoning Map, to rezone a parcel of land belonging to the Town of Arlington with access to Grove Street at Map 54, Block 3, Lot 2.B from Residential District 1 to Industrial.

Arlington Redevelopment Board Report

Watch the Video Presentation

ATTACHMENTS:

Description	Type	File Name
▣ Article 21 Supporting Doc.	Reference Material	Article_21-Supporting_Doc_1-_Map.docx



Town of Arlington, Massachusetts

ARTICLE 22

Warrant Article Title:

COLLECTIVE BARGAINING

Warrant Article Text:

To see if the Town will vote to fund any fiscal items in the event that any are contained in collective bargaining agreements between the Town and the following named collective bargaining unit's salaries or fringe benefits, determine how the money shall be raised and expended; or take any action related thereto:

A. Arlington Police Patrol Officers' Association (formerly Arlington Patrolmen's Association);

Requested by:

(Inserted at the request of the Town Manager)

Discussion:

No report at this time.

Vote Language:

At the time of this report, the collective bargaining agreement was still being negotiated. It is likely that an agreement will not be reached by the time of the Special Town Meeting, in which case the Finance Committee will recommend No Action.

Finance Committee Report



Town of Arlington, Massachusetts

ARTICLE 23

Warrant Article Title:

CAPITAL BUDGET/DPW YARD

Warrant Article Text:

To see if the Town will vote to appropriate a sum of money for remodeling, reconstructing, or making extraordinary repairs to the DPW Yard and associated buildings, including original equipment and landscaping, paving and other site improvements incidental or directly related to such remodeling, reconstruction or repair, and determine whether such appropriations shall be raised by taxation, transferred from available funds, borrowed or provided by any combination of the foregoing; or take any action related thereto.

Requested by:

(Inserted at the request of the Town Manager)

Discussion:

The Town is requesting an appropriation of \$8.9 million for the DPW Yard Project. If approved, the total project cost will increase to \$38,930,000. At our Committee hearing, the Capital Planning Committee indicated that there are three primary drivers of the cost increase: \$4.7 million is caused by construction industry cost inflation; \$2.7 million is caused by a change in contracting method (Construction Manager at Risk and an increase in contingencies) which will work to contain future cost increases; and \$1.5 million is caused by an increase in project scope, specifically moving the IT and Facilities Departments to the location, and the addition of concrete walls for the salt shed. The IT and Facilities scope change represents a transfer of cost from the voter-approved exempt Arlington High School Project Budget to the non-exempt Capital Budget.

At our hearing, Finance Committee members expressed concern about the increase in project cost and the \$400,000 in annual cuts that will happen in the Capital Budget to keep it in balance. Given these concerns, a future request for more funding could be met by opposition from the Finance Committee

Vote Language:

That the Town appropriates eight million, nine hundred thousand dollars (\$8,900,000) to pay costs of remodeling, reconstructing, or making extraordinary repairs to the DPW Yard and associated buildings, including original equipment and landscaping, paving and other site improvements incidental or directly related to such remodeling, reconstruction or repair, and that to meet this appropriation, the Treasurer, with the approval of the Select Board, is authorized to borrow said amount under and pursuant to G.L. c. 44, §7(1) or any other enabling authority, and to issue bonds or notes of the Town therefor. Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Finance Committee Report
Capital Planning Committee Report
Watch the video presentation



Town of Arlington, Massachusetts

ARTICLE 24

Warrant Article Title:

APPROPRIATION/COMMUNITY PRESERVATION FUND

Warrant Article Text:

To see if the Town will vote to make appropriations from the Community Preservation Fund for eligible community preservation projects; for community preservation reserve accounts for historic preservation, open space and recreation, and affordable housing; for Community Preservation Act Committee administrative expenses or other eligible expenses; or take any action related thereto.

Requested by:

(Inserted at the request of the Community Preservation Act Committee)

Discussion:

These projects total \$175,200. The CPA appropriations and budget reserves at Annual Town Meeting on June 15th left a projected unrestricted fund balance of \$242,297 for FY21 based on anticipated CPA revenues. These revenue projections have been realized to date and will likely be exceeded due to a larger than expected state match this year. If Town Meeting funds the three projects above, the unrestricted CPA fund balance heading into the new FY22 budget cycle will be at least \$67,097.

Vote Language:

VOTED (8-0):

That the Town take the following actions to appropriate funds for FY2021 CPA projects, with each project considered a separate appropriation:

(a) Appropriate the sum of \$80,000 for the Minuteman Bikeway Planning project from FY2021 Community Preservation Fund revenues for the rehabilitation of recreational land, said funds to be expended under the direction of the Department of Planning and Community Development and the Community Preservation Act Committee;

(b) Appropriate the sum of \$60,000 for the Communitywide Archaeological Reconnaissance Survey project from FY2021 Community Preservation Fund revenues for the preservation of historic resources, said funds to be expended under the direction of the Department of Planning and Community Development and the Community Preservation Act Committee;

(c) Appropriate the sum of \$35,200 for the Documentation of Historic Municipal Resources project from FY2021 Community Preservation Fund revenues for the preservation of historic resources, said funds to be expended under the direction of the Department of Planning and Community Development and the Community Preservation Act Committee.

That the Finance Committee supports the recommendation of the Community Preservation Act Committee.

Community Preservation Act Committee Report

Finance Committee Addendum

Watch Video Presentation



Town of Arlington, Massachusetts

ARTICLE 25

Warrant Article Title:

RESOLUTION/BLACK LIVES MATTER BANNER AT TOWN HALL

Warrant Article Text:

To see if the Town will vote to or take any action related thereto: Be it hereby resolved, that it is the will of Town Meeting that the Town of Arlington continue to display a Black Lives Matter banner on Town Hall until such time as Town Meeting recommends its removal, or takes any action related thereto.

Requested by:

(Inserted at the request of Katell Gullec and 100 registered voters)

Discussion:

After much debate and consideration, the Select Board advances this article to Town Meeting for the purposes of its discussion and vote, but without recommendation on the Meeting's course of action in support of or opposition to the substance of the resolution itself. The Select Board takes this unorthodox position in light of two distinct, but related concerns: town governance; and the substantive questions regarding how the Town best advances its racial equity goals.

With respect to town governance, on one hand, the Board often opposes resolutions of Town Meeting aimed at symbolically appealing or controverting a specific decision or action within the authority of another Town board or official. Here, the decision to display flags and banners on or at Town Hall is solely within the jurisdiction of the Select Board and the Town Manager. Town Meeting may express its perspective and collective opinion on many subjects including this matter, but the decision – including if and when the banner would be placed on Town Hall again – is not ultimately within Town Meeting's duties or powers. Accordingly, the Board holds some concern about both the potential for overuse of Town Meeting resolutions in other contexts to simply express disagreement with Town commissions or officials charged with making specific decisions; as well as public misapprehension of the way the Town's government works and the relative responsibilities of its officers.

On the other hand, Town Meeting presents an opportunity for this Board to hear from a wider net of elected representative voices on one of the many hard questions about race and equity that have been the subject of challenging, but valued discourse between residents, the Select Board, Town staff, and Town officials. As discussed in greater detail below, the Board chose to display the Black Lives Matter banner for roughly four (4) months, but following its decision to erect new signage affirming the Town's commitment to equity in a different manner, the discussion and public comments before the Board on the banner have been marked by tension and widening entrenchment, even as our community has been deepening its commitments to racial equity and taking substantive steps in furtherance of those commitments. On balance, the majority of the Board believes that its own further discussion of this specific banner would be aided by Town Meeting's viewpoint, despite these governance concerns.

With respect to the substance of the resolution, this Board notes that it entered a proclamation in support of "Black Lives Matter" on June 8, 2020, including a vote to display a Black Lives Matter banner throughout June (including in commemoration of Juneteenth) and to maintain the banner through July 13, 2020, which was declared "Black Lives Matter" day by the same vote. The banner was initially to be lowered on July 14, 2020 according to the terms of the Proclamation, but based upon subsequent feedback from residents and the Manager, the Board voted on July 20, 2020 to maintain display of the banner until an appropriate measure of transition could be developed. On September 14, 2020, the Board voted to maintain the banner on Town Hall until September 30, 2020, when it would be replaced by a statement from the Town's Bylaws affirming the

Town's commitment to diversity, equity, and inclusion outside Town Hall. The end result was the display of an eight (8) foot by (4) four foot sign directly outside Town Hall's main entrance and steps (presently affixed to fencing due to construction activities) paraphrasing a section of the Town's Human Rights Commission Bylaw, that sets forth the policy of the Town with respect to standing against discrimination in its many forms.

The resolution before Town Meeting posits that the foregoing is deficient, and therefore, that the Town of Arlington fails to signal sufficient support to the concerns of people of color without a continuous display of the Black Lives Matter banner on Town Hall until such time as an authority other than the Select Board determines it appropriate. The Board does not agree, in part due to the aforementioned issues of governance, and in part because it does not believe the choices before it are binary ones between indefinite display of one message about racism and discrimination on Town Hall and other messages or locations for the specific banner at issue. Nonetheless, the Board values and recognizes the earnest effort by the proponents and the many persons who signed their petition to place such a proposal before Town Meeting, has heard many of its supporters messages, and is interested to now hear Town Meeting's collective perspective.

The Board intends to work with the petitioners to identify potential areas of agreement in light of an overall belief that the petitioners and Board members share many common goals. The Board will update its position to Town Meeting as appropriate, but at this juncture intends to focus its efforts on cultivating further options and recommendations on when, where, how, and how long to display the Black Lives Matter banner in question in the future, as well as other appropriate displays of the Town Government's commitments to racial equity, diversity, and inclusion without limiting its options to a permanent or indefinite display of the banner on Town Hall. It is the Select Board's expectation and hope that whatever Town Meeting's vote on this resolution, it and the Town at-large will be more informed by the Meeting's discussion and vote.

Vote Language:

That Town Meeting hereby resolves to support the display of a "Black Lives Matter" banner on Arlington Town Hall until such time that Town Meeting recommends its removal.

(4 – 1) Mr. Diggins voted in the negative.

Select Board Report

Human Rights Commission Report

Watch the Video Presentation

Watch the Video Presentation (updated 12/2/2020)

ATTACHMENTS:

Description	Type	File Name
▢ Substitute Motion- J. Brown	Reference Material	Article_25_Sub_motion-J._Brown.pdf
▢ Supporting Document-BLM Resolutions	Reference Material	Article_25-_BLM_Resolutions.docx

Arlington Special Town Meeting — Motion to Amend

ARTICLE NO. 25

Dated: Nov. 30 2020, 8:00 p.m.

I, Michael Jacoby Brown, TMM, Pct 17, do hereby submit the following Motion to Amend Article 25:

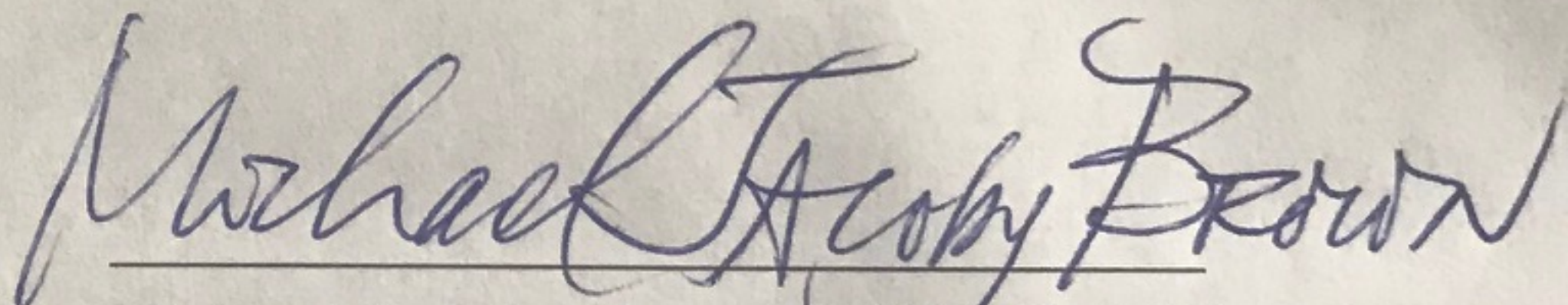
VOTED:

Following the words....."display a Black Lives Matter banner on Arlington Town Hall..."
Insert the words:

"and believes the Select Board should continue to hear public comment about what other steps Arlington can take to reflect the spirit of this action."

and delete the remainder of the Article

Signed:



Michael Jacoby Brown, TMM, Pct 17

The Vote would then read:

"That Town Meeting hereby resolves to support the display of a "Black Lives Matter" banner on Arlington Town Hall and believes the Select Board should continue to hear public comment about what other steps Arlington can take to reflect the spirit of this action."

Date Voted: _____

Action Taken: _____

APPENDIX: REFERENCE MATERIAL BY ARTICLE

ARTICLE 25

Select Board Resolution Re: Black Lives Matter

OFFICE OF THE SELECT BOARD

JOHN V. HURD, CHAIR
JOSEPH A. CURRO, JR., VICE CHAIR
DIANE M. MAHON
STEPHEN W. DECOURCEY
LENARD T. DIGGINS



730 MASSACHUSETTS AVENUE
TELEPHONE
781-316-3020
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TOWN OF ARLINGTON
MASSACHUSETTS 02476-4908

Proposed Language for a Town of Arlington Proclamation which can be read at the BLM Vigil, if adopted on Monday by the Select Board




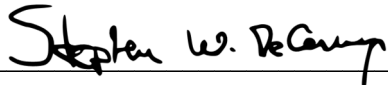

- WHEREAS:** The Town of Arlington acknowledges and deplores the history of systemic racism in the United States and in Arlington; and
- WHEREAS:** The Town of Arlington strongly condemns all racist acts of police violence and extends our deepest condolences to the families and friends of George Floyd and the other victims of racially-biased police violence; and
- WHEREAS:** The Town of Arlington strongly condemns racist acts of oppression in all forms, including institutionalized racism which has targeted Black and brown communities for far too long; and
- WHEREAS:** The Town of Arlington has initiated and undertaken training programs aimed at strengthening cultural competency and reducing racial, ethnic, and other bias within our municipal and school departments and has provided police officers with de-escalation training to minimize the risk of lethal interactions between law enforcement officers and civilians; and
- WHEREAS:** The Town of Arlington recognizes the importance of Juneteenth, June 19, as dating back to 1865, when Union soldiers landed in Texas with news that the Civil War had ended and that the enslaved were now free, two and a half years after the Emancipation Proclamation became official, and
- WHEREAS:** The Town of Arlington respects the knowledge, experience, and traditions of all who live, work, study, or pray in our town or otherwise visit Arlington and will actively listen to the voices of our African American community; and

WHEREAS: The Town of Arlington knows that we must all commit to being human rights champions, fight racism, and stand up as allies; and

NOW THEREFORE BE IT RESOLVED, that the Town of Arlington encourages broad support of the Arlington Human Rights Commission hosted virtual vigil to be held on June 9, 2020 at 7:00 p.m. to mourn deaths due to police violence and to affirm that Black Lives Matter; and

BE IT FURTHER RESOLVED, that the Town of Arlington supports the work of our Police Department, our Town government, and our schools to make them more diverse, equitable and inclusive and commits to seeking further policy and administrative measures in support of this goal, including a series of four webinars to be hosted by the Town starting in June aimed at deepening our community's understanding of systemic racism and the deep harm it causes; and

BE IT FURTHER RESOLVED, that July 13, 2020 shall be proclaimed as Black Lives Matter Day in Arlington, that a Black Lives Matter banner shall be prominently displayed on Town Hall during the month of June and until this date, and that all residents are encouraged to pay fitting observance thereof.

	SELECT BOARD
	OF THE
	TOWN
	OF
	ARLINGTON

A true record.

ATTEST:

By: 
Board Administrator